

greatest endeavors. Join us in providing future generations their chance to reach beyond themselves. Join us in approving the international space station that will extend our reach into the future.

An old hymn talks about the future's broadening way. We can broaden it a little bit today by taking another step into the universe.

□ 0940

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a distinguished freshman Republican member.

Mr. GANSKE. Mr. Chairman, I rise today in support of the Roemer-Zimmer amendment.

The space program has done some wonderful things. I stood in awe when man first walked on the Moon. I stand in awe of the space shuttle every time it launches. Mr. Chairman, I also stand in awe of our nearly \$5 trillion national debt.

The space station may be a grand idea, but we must face the reality of its \$94 billion price tag.

We must face the reality that the entire project is based on overly ambitious goals. Costs for the space station have been rising while the target date for its completion has been slipping.

Many questions remain. To what extent will the Russians, and other international partners, participate in this project? Will the shuttle program be able to handle the increased flight schedule? Is the target cost of the space station going to skyrocket if Boeing cannot reach acceptable agreements with the subcontractors?

But the central question we must face has nothing to do with international agreements and theoretical science. The question is, How can we stand in this Chamber and heap additional debt on our children and grandchildren.

A vote for the Roemer-Zimmer amendment is not a vote against space exploration. It is a vote about economic realities.

Mr. LEWIS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. I thank the gentleman from California for yielding me the time.

Mr. Chairman, I say to the American people that President John F. Kennedy helped us dream by leading us into space exploration. How much excitement and inspiration and anticipation this country faced as we began that great historical effort, but in this era of budget cutting, some have argued that NASA has to take its share of budget cuts and the space station will have to be sacrificed as a result.

While I have great admiration for the gentleman from Indiana, I also admire the fiscal fairness that has to be done. It is imperative that we consider the efforts that NASA has already made, the cuts that it has already made and the efficiencies that it has already implemented.

The agency has been standing up and stepping ahead in the realm of cost reduction and efficiency improvements. As part of this zero-based review, NASA reduced its budget by \$5 billion over the next 5 years. Over the past 3 years the agency has reduced its multiyear budget plan by 35 percent, a savings to the American taxpayer of \$40 billion. To this point, the space station is on budget and on schedule.

You might say that is just something you have said; but, no, I have asked the project director directly: "Sir, are you on schedule? Are you on budget? Will you be monitoring your contractors? Will you be ensuring the American people that you will keep this project on budget and on schedule?"

"Yes, we will."

NASA has clearly demonstrated its commitment, to fiscal responsibility and deficit reduction. Do I see opportunities for inner city communities in the 18th Congressional District in Houston? Yes, I do. Education opportunities for children in my neighborhood schools. Frankly, I will say to the Members, jobs for minorities and women in America and business opportunities for minorities and women in America, that is the new spirit and the opportunity for NASA as it grows with space station.

Let us not forget the benefits we will all reap collectively: Research that can benefit all of us, from biotechnology, to environmental health, to cardiology, technological research in the areas of semiconductors and metal alloys, among others. We cannot ignore our international partners who have already contributed over \$9 billion in investment. We cannot ignore the potential for medical and technological breakthroughs that can result from this project.

Most importantly, Mr. Chairman, we cannot ignore the dreams and aspirations and hopes of all Americans that we too can explore. We can make the difference. Support the international space station, and do not support the Roemer amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive messages from the President.

#### MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. SEN-SENRENNER) assumed the chair.

#### SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 0950

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT OF 1996

The Committee resumed its sitting.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the Roemer-Zimmer amendment to bring the space station to a halt. We need to be realistic about this project.

Let us look at the commitment that we are asking the American people to make. Through the year 2012, the space station will cost \$94 billion. Yes, \$94 billion with a "b." The operational life of the station is only 10 years.

Mr. Chairman, in my district, the southern portion of the State of New Jersey, I go to the church halls and the fire halls, and I look at my constituents and I hear them say that they were working harder than they have ever worked before and they do not feel they are getting ahead. I listen to them say how many of them are working two and three jobs and their spouse is working two and three jobs, and they want the U.S. Government, they want this Congress, to recognize the efforts that they are making and the sacrifices that they are making.

This is a priority that we cannot afford at this time. We are being asked to make many difficult choices. We are running through that process. We are committed to balancing the budget by the year 2002. But these are Federal dollars that we cannot afford. Maybe sometime in the future. Maybe after the budget is balanced. But to those hardworking citizens who are doing their best, who are doing their part to make this democracy work, I do not think we can look them in the eye and tell them that we are willing to spend \$94 billion on a program like this when we are asking them to make the sacrifices that we are.

Mr. LEWIS of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in strong opposition to the amendment and for the space station.

Mr. ROEMER is a very fine and valued Member of this House and of the Science Committee where we serve together. But in this amendment I believe he is incorrect.

This amendment was also offered in the Science Committee authorization process, where it was defeated. During our discussion various members suggested specific benefits that may flow from the space station, including advances in the cure for cancer and the understanding of tumor growth.

These benefits may very well flow from the space station, but in speaking for the space station in committee I advanced this view: The

truth is that we don't know all of the innovations, discoveries and prosperity the space station will bring to us.

And that is the most compelling reason to enthusiastically support our space program and in particular the space station.

I remember well the first flight of humans into space by Yuri Gagarin. As a young girl in elementary school my imagination was stretched by the new horizons available to human kind. Our Nation rallied in a national effort to go to space. A young President told us that if we had the national will, we could go to the Moon. And so we did, exciting a generation about a new kind of future.

The daring men and women in the space program have served as models and heroes for our country's young. As a nation, we learned that we could accomplish what we intended to do. In the process, we saw side benefits such as the advancement of computer technology and countless other technological innovations that have transformed our world.

What will our space station bring us? We don't know, and that is good. If we knew, our dreams and horizons would be too limited.

We have problems here in our country. We have a need to attend to many of them and, quite frankly, I am opposed to the retrenchment from domestic problems that has characterized the 104th Congress. Having said that, the answer to these problems is not cutting the space station *Freedom*. Our country will not be stronger, greater, braver or more prosperous if we pull back and retrench from human space exploration.

There is a difference between spending money and investing money. The space station is an investment in our future and one that I urge our country to make. We owe it to ourselves and our children to keep faith with those who came before us, to continue to venture beyond the confines of this planet and to the great frontier of space before us.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the subcommittee dealing with NASA's budget.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Roemer-Zimmer amendment to cancel the space station. This has become an annual exercise for these gentlemen. While I admire them for their tenacity, I do not admire them for their judgment. The space station is NASA's No. 1 priority to bring us into the next millennium. It is now on time and on budget.

Mr. Chairman, I will not deny that NASA has had serious problems with the space station in the past. Not that long ago, I was prepared to vote against the station as well, not because I thought it was a bad idea but because NASA did not have a plan to deal with possible Russian withdrawal from the program. I am pleased to say that the agency has made substantial progress in addressing my concerns.

The station program NASA has under way today bears little resemblance to the program that the gentleman who would kill it describe. NASA has moved to a single prime contractor and has

placed the station on a responsible management plan. It will live within an annual \$2.1 billion cap and not exceed total costs of \$13.1 billion for operation and assembly through completion, a far cry from the figures bandied about by the folks on the other side.

Mr. Chairman, this is less than 15 percent of the NASA budget and less than one-seventh of 1 percent of the total Federal budget. This is not the two-headed budget monster that opponents make it out to be.

I have made a career of cutting the Federal budget. The reason I came to Washington was to get the Government's hands off of the taxpayer's wallet. In the last Congress, no Member had a better voting record for spending reductions and according to the National Taxpayers Union only eight Members have voted for more spending cuts so far in this Congress.

The space station is a question about the future. It will be the focus of human space flight for the next two decades that enable us to conduct cutting-edge research in microgravity science. Numerous organizations support it because of the potential for the development of breakthroughs in medicine.

Everyone here knows that NASA's budget is \$700 million smaller in fiscal year 1996 and it is going to decline in the coming years. We should also acknowledge that we can accommodate these cuts, keep the space station and bring the benefits to the taxpayer of the cutting-edge research possible only in space. The Committee on the Budget recognized the merits of this program when it included the station in developing the plan to balance the Federal budget in 7 years. In short, a vote for the space station is a vote for tomorrow. It is both technologically and scientifically advanced and fiscally responsible. I urge defeat of the Roemer-Zimmer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. I thank my friend for yielding me the time. He is doing an outstanding job as chairman of the subcommittee.

Mr. Chairman, I rise in strong opposition to the Roemer amendment to kill the space station project. I heard the argument about lack of jobs in this country.

The fact is the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science, says killing the space station will kill approximately 40,000 high-tech jobs. Despite what the critics say, this is a critical investment in our Nation's future and it results in technology transfers and spinoffs to the private sector that creates more jobs. This is seed corn for real productivity in this Nation for the

next century—power generation, electrical power systems, robotics, air and water quality sensors, advanced waste processing, and recycling technology. The impact on improving health care will be tremendous.

Just since July 1992, NASA and the National Institutes of Health have signed 18 cooperative agreements for research in critical areas like neurology, cardiovascular, and cancer research. The space station will work. It is on schedule and within budget now. It has been redesignated and costs \$20 billion less in development and operations than originally planned.

And, it is a real program already. It is not just a paper program. International and U.S. companies have produced over 100,000 pounds of hardware related to the station that are ready for deployment. It is a good program. We ought to abandon this amendment, not this program.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN] who has worked on this amendment in the past.

Mr. MEEHAN. Mr. Chairman, this amendment missed by one vote last year, in the last Congress, and it is kind of interesting. This Congress was going to be the one to balance the budget. We would make more progress on deficit reduction. In fact, over 300 Members of this House voted for a balanced budget amendment.

What have we done since then? Well, we have increased defense spending by \$10 billion more than what the Pentagon wanted. We have left untouched about \$100 billion in corporate subsidies. We have passed a tax cut that will provide \$357 billion in lost revenue. This is the balanced-budget Congress. This is an easy decision.

I understand it is difficult to cut a program where in some districts it means a cut in contracts. But you do not balance the budget by not making these decisions. The Space Station is something that is long overdue to be cut. The cost overruns have been outrageous. There may be another point in time in our history where we can afford it, but we cannot afford it now. We are spending \$221 billion on interest on the national debt this year alone. It is the third largest Government program. Before Members go back to their districts and talk about how they are going to balance the budget, let them look at this amendment where you really have an opportunity to cut spending and not talk about the fact that we cut student loans or we cut school lunches or we cut these trivial things.

This amendment should be a very easy vote for Members of Congress. I cannot believe that after coming within one vote in the last session and getting new Members elected to Congress committed to a balanced budget that we could lose it this year.

□ 1000

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, I rise in strong support of the international space station and in very strong opposition to this amendment by the gentleman from Indiana [Mr. ROEMER] and the gentleman from New Jersey [Mr. ZIMMER].

Mr. Chairman, we have given at the office. There is no one more committed than myself to the deficit reduction effort, to cost-effectiveness, to the prudent use of taxpayer dollars and the outright stinginess in Federal spending. But NASA has done its part for deficit reduction.

In the past 3 years, NASA has reduced its multiyear budget plan by 35 percent, over \$40 billion, and for 3 consecutive years, its annual budget has been reduced.

But even in a time of extremely tight budget allocations and with a commitment to balance the budget by the year 2002, the space station remains a top funding priority, and that is what we are talking about here, spending priorities.

The budget resolution that we passed just a month ago includes the space station because of its significance to our Nation's future, because of the exploration of space that touches the core of American identity as pioneering adventurers; and the success of the space station bears directly on how our future here on Earth, in the United States, in our schools and hospitals, offices and factories will be shaped.

I understand the gentleman from New Jersey's approach; I just disagree with it. The bottom line here, cutting through all the rhetoric, is if we want a space program, we have to put man in space. We cannot do a space program on Earth. So, Mr. Chairman, what we have to do is put man in space in a space lab to do the kinds of wonderful experiments and scientific breakthroughs that come from that.

Mr. Chairman, the American people support this critical program. I believe today, as it has been for the past several years, the space station will receive the support of the majority of my colleagues.

Vote "no" on the Roemer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Chairman, it would be interesting to go back and read some of the history of this Nation. When this House argued about going on the Louisiana Purchase and going to the West, the big argument was, "Why do we want to go out there? All there is are coyotes and rattlesnakes. Who, in their right mind, would want to go there? That is not a sensible thing to do."

But because of that pioneer spirit that was there, we moved on to the West; and out of that is where the great minerals of this country came from and the lumber and the water and the technology came from, those particular areas.

As a member of the House Committee on National Security, I remember distinctly meeting in room 2118, and our former chairman of that committee, Les Aspin, invited generals and admirals from the Soviet Union. Now, we were friends and we were buddies, and we sat down and talked as to what happened and why did they lose and why did we win the cold war? The whole conversation came down to one thing: technology. They could not run with the United States; they did not have the technology.

I think it is interesting as we talk to people from the pharmaceutical community and they talk about in a gravity-free environment how they can make medicines that will help mankind. We have always had this pioneer spirit to move ahead, to get things done.

Mr. Chairman, the space station is the frontier for America today. This is where the pioneers will go and this will bring us a lot of money. Or we can sit back like other nations, lose this technology, lose this pioneer spirit, lose the 8-to-1 advantage that we will have and find ourselves a second-rate nation sitting here worrying about social programs, when we can look at things that will create money, create jobs, and create what our universities around America are doing. Look at the many, many universities that are putting some type of experiment on the space station.

In the little place of Logan, UT, Utah State University has put more experiments on that space station, and out of that has created many jobs. Let us not be pound foolish and let us defeat this amendment and do what is right for America.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, a generation ago, it was the dream of every child to see a man walk on the Moon. We fulfilled that dream and that was the right dream for that generation. Today's children, though, do not have a dream like that. Instead, they have a nightmare of a national debt of close to \$5 trillion, and that is a debt that is not going away.

Right now is not the time to move on the space station. Right now is the time to move on the deficit and the debt. The only way we can do that is by making the difficult choices.

We hear people argue that this is a great investment, but we have already spent \$12 billion on it, and we have nothing from it. It is going to cost us \$94 billion in total when this is done.

That is a black hole, Mr. Chairman, and it is a black hole that this generation and, more importantly, our children's generation cannot afford. Let us

stop the waste of money right now. Do the right thing. End the space station.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the Roemer amendment and in support of the space station.

The space station is an investment in exploration and science, an investment in jobs and economic growth, an investment in international cooperation, and most of all, an investment in improving life for all of us here on Earth.

The American space program has already made remarkable contributions to technology and medical research during its 35-year history. The space station is the next logical step. A permanent orbiting laboratory capable of long-duration research.

In medicine alone, space station researchers will be able to use the low-gravity environment to expand our understanding of cell culture, which will revolutionize treatment for joint diseases and injuries. It will provide a unique environment for research on the growth of protein crystals, with consequences for designing new drugs and treating diseases from cancer to diabetes.

We're already seeing the benefits of the space station even before it is built. A cell culturing device developed for the station is being used to grow ovarian tumor samples so they can be studied outside the body. Similar study is being conducted on brain tumors. This is but a hint of the work that will be done in space.

Some have argued that it would be fiscally prudent to eliminate the space station. Nothing could be further from the truth. In fact, it would be terribly imprudent to kill the program. We have already invested more than \$12 billion in the space station. Our 12 international partners have spent more than \$4 billion. Actual hardware is being built. To eliminate the program now, after so much of the investment has been made, would be the height of irresponsibility by allowing our investment to be wasted.

But most of all, canceling the space station now would waste a historic opportunity to forge a partnership with Russia, our former competitor in space and our former adversary. Who would have thought as we raced to the Moon during the height of the cold war that one day an American space shuttle and a Russian space station would be linked in space. Three weeks ago, NASA and the Russian space agency showed that the international space station is not only good science, but the technology sound. Again, this recent linkup of the shuttle *Discovery* and the Russian *Mir* is but a taste of the benefits the international space station will make possible.

We have come too far and there is too much to lose if we turn our back now.

What a waste for the United States, which has led the world through the Industrial Revolution, the Jet Age, the Information Revolution, and the Space Age, to bury its head in the sand as we enter the 21st century. I urge support for the space station and opposition to this amendment.

Mr. ROEMER. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, no one but no one loves what NASA has done for America and the world in advancing the limitless boundaries of our imaginations more than I do.

Mr. Chairman, as a youngster I dreamed of the day I would ride a spacecraft into the heavens, maybe even walking on a planet. Surely Dan Goldin, director of NASA, is an American hero. His service to our country is proven and unprecedented. But, Mr. Chairman, we have a greater experiment to carry out here; an experiment that involves the life and death, economically, of the American people and, yes, it is our Federal debt.

Mr. Chairman, I do not need to remind this body that we borrow nearly a billion dollars a day; that a newborn born today owes \$187,000 in interest payments just on our Nation's debt. Yes, the space station would be nice, but can we really afford \$94 billion, the cost to launch, maintain, and build, for the next 10 years?

Mr. Chairman, remember the B-2 bomber debate we had just a couple of weeks ago? Heck, that was only \$20 billion, and I say that facetiously. This is \$94 billion. I truly believe that when we look at the Federal debt and look at the children and look at what it is costing this country economically, we have to reexamine. Yes, it is a good program; unfortunately, we cannot afford it at this time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I rise in opposition to the annual Roemer-Zimmer amendment effort to kill the space station.

Mr. Chairman, I admire both of those gentlemen and have worked on the subcommittee with them for many years, I just disagree with their annual effort to knock out the space station, and I really do not understand speakers who say as a youngster they dreamed, but as an oldster they do not want other youngsters to have that same dream.

We cannot afford to lose this space station. And Mr. Chairman, we did not lose it by 1 vote. That was 2 years ago when they were going through redesign. The vote was 123-vote difference just a year ago.

I think it is obvious that we do need to cut back, and I think Mr. Goldin has cut NASA back in the last 3 years some 35 percent. I know of no other entity that has taken that same cut, and then another \$5 billion.

We have taken enough hits in the NASA program. I think our Nation has

weathered a lot of storms militarily, financially, politically, socially, and culturally, and throughout the rich history it has always been the American people and its leaders who have a deep and abiding belief in our future, a belief that we can and will accomplish great feats and make great discoveries.

Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] spoke earlier about placing the needs of our senior citizens above the needs of our space station. The gentleman is right to be concerned about our seniors, but what the gentleman did not point out is that our seniors are in favor of the space station.

The Seniors Coalition, a group of 2 million members, has given its support to this station. This group, like myself, is supportive of a balanced budget and fiscal responsibility, but also recognizes the dividends that such a project will likely realize for older Americans.

The Seniors Coalition notes that research on the space station could potentially lead to medical breakthroughs in cancer, arthritis, diabetes, osteoporosis, balance disorders, Alzheimer's, cardiopulmonary disease, and other afflictions that threaten senior citizens.

The coalition notes that NASA space research has already resulted in products that improved seniors' quality of life, such as instruments that measure bone density, osteoporosis, cardiac pacemakers, computer readers for the vision impaired, and on and on. I oppose this amendment.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky [Mr. WARD], a talented new freshman.

Mr. WARD. Mr. Chairman, I rise today in support of this amendment.

Mr. Chairman, I have heard a previous speaker say that this is about exploring brave new worlds and strange new worlds. Well, I submit to my colleagues that I would not have come to Congress in 1995, if I was not interested in exploring strange new worlds.

Mr. Chairman, it is a strange world. It is a world where we can see cuts in every program that help our children, where we can see the threat of cuts in programs that help our seniors, and at the same time support billions for a project which is purely, purely speculative benefits. When we hear of the notions that NASA puts forward of what this project will achieve, we hear speculation.

Mr. Chairman, I stand next to none in my support of NASA and the basic space program. We need it. I am one of those young people who can remember as if it was yesterday sitting in a classroom watching JOHN GLENN and Alan Shepherd. These things stirred me. These things told me that there were opportunities for America to explore, to expand.

But, Mr. Chairman, the space station, just the notion of putting people in space does not justify this expenditure.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

(Mr. CRAMER asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Chairman, I rise in opposition to this amendment and urge Members to oppose it.

I rise in strong opposition to the termination of the International space station.

There have been seven votes in the House to terminate the space station since I came to Congress in 1991. The space station has survived every vote. We've had a fair fight on this issue every year.

The space station is a critical investment in America's future. The Station is about life on earth.

If we give up on space station—we give up on Human Space Year.

The station will be a permanent, orbiting laboratory in low earth orbit that will provide important contributions to medical research, microgravity materials and life sciences research, and advanced technologies research.

The space program has already proven how important it is to life here on earth during its 35-year history. The space station is the next logical step in our exploration and utilization of outer space.

The space station is the largest international science project ever undertaken. The Station draws on the resources and expertise of 13 nations, including our old cold war adversary—Russia.

As the world redefines itself in this era following the end of the cold war, international cooperative projects like the space station become powerful symbols for what can be accomplished through peaceful cooperation among nations.

The United States is falling far behind the rest of the industrialized world in long-term investment in research and development.

We as a nation cannot afford to fall further behind in science and technology if we expect to be the world's technology leader into the next century.

NASA's R&D efforts provide one of the few Federal investments in our economy of 10, 20 or even 30 years from now.

These R&D investments are being made in the space station, aeronautics, high-speed computing, environmentally clean technologies, remote sensing, and miniaturization.

The investments being made in the science and technology now, will make long-term economic growth possible and provide long-term opportunities for future generations.

The space station is a critical element in this long-term investment that will ensure our Nation's future.

The station will be a testbed for a wide variety of future technologies and a unique science platform for research on advanced industrial materials, communications technologies, and medical research.

THE SPACE STATION, TOO LATE TO TURN BACK

The space station was redesigned in 1993 to incorporate Russian participation, to be cheaper, and to be more capable. These goals were accomplished.

The new design saves \$5 billion in development costs, reduced annual operating costs by half, and expands the station's research capabilities.

The redesigned station has nearly twice the power, double the volume, twice the number of laboratory modules, and 50 percent more crew than the earlier design.

The new cooperative effort with Russia enables the station to be completed 15 months sooner and will save the United States almost \$2 billion in development costs.

Since the redesign in 1993, the station program has proceeded smoothly and with stability.

All program cost, technical and program milestones have been met. The station is on time and on budget.

We are now less than 30 months from the launch of the first element of the space station in November 1997.

NASA has manufactured more than 42,000 pounds of actual flight hardware in 1994 and early 1995. A total of 75,000 pounds will be built by the end of 1995.

The first phase of the station program is well underway. We are gaining valuable experience with the Russian space station that reduces our technical risk.

This past February, the space shuttle flew within 37 feet of the Russian *Mir* Space Station and in March a U.S. astronaut began a 90-day stay aboard *Mir*.

On July 7, the shuttle *Atlantis* completed the historic docking with the *Mir* Station.

Several more missions to the *Mir* Station are planned in the next 2 years. The era of close cooperations with the Russians is well underway.

We have committed too much time and money in the space station and are too close to assembly of the station to turn our backs on this project.

I believe strongly that the space station is too important a program to abandon. I believe it is crucial to our Nation's future and to the future of our children.

I urge my colleagues to oppose the amendment to terminate the space station.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CALVERT].

(Mr. CALVERT asked and was given permission to revise and extend his remarks.)

Mr. CALVERT. Mr. Chairman, I rise in opposition to the Roemer amendment and in strong support for the international space station.

We have already spent billions of dollars over the years on this necessary program and I find it amazing that we are now discussing terminating funding at a time when mission launches begin next year.

The space station is needed to develop new materials and processes in industry.

This space station will accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth—and will create jobs and economic opportunities today and in the decades to come.

It would maintain U.S. leadership in space and in global competitiveness, and serve as a driving force for emerging technologies.

The space station will force new partnerships with the nations of the world.

It would inspire our children, foster the next generation of scientists, engineers, and entrepreneurs, and satisfy humanity's ancient need to explore and achieve.

We need the space station to invest for today and tomorrow.

Every dollar spent on space programs returns at least \$2 in direct and indirect benefits.

And finally, the space station will help sustain and strengthen the United States' strongest export sector—aerospace technology—which in 1993 exceeded \$39 billion.

We need the space station, for the present and for the future.

I urge my colleagues to oppose the Roemer amendment.

Mr. EMERSON. Mr. Chairman, I rise today in support of the international space station. Our Nation's human flight space program represents the American ideal of exploration and leadership, and the international space station carries on that tradition.

Space station opponents argue that space station funding is a fiscally irresponsible program. I believe the space station funding is a fiscally responsible and essential investment in America's future, and the dollars requested for the program will be more than returned in the coming years.

The budget for the space station is less than 15 percent of NASA's budget, and only one-seventh of 1 percent of the Federal budget. The redesigned space station is better managed under a single prime contractor and has more lab space, more power, a larger crew, and costs \$20 billion less in development and operations than the previous design. The space station is on schedule and within budget and NASA's fiscal year 1996 budget authorization and appropriation meet House budget resolution targets—in line with achieving a balanced budget by fiscal year 2002.

Mr. Speaker, the space station is a vital part of America's role in shaping the future. I urge a "no" vote on the amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, achievements in space set the United States apart from other nations with greater distinction than any other endeavor. Indeed, our space program has become the very symbol of American ingenuity, daring, and innovation. It has been more than three decades since Americans walked on the Moon, and no other nation today is even remotely close to duplicating that feat.

The space station will be a symbol of U.S. international leadership and preeminence in space science. It brings together many nations to work on this single project, who have, to date, invested billions of dollars. Russia, Canada, the European Space Agency—whose participation includes 9 of its 15 member nations, and Japan are all contributing partners.

I would not argue that our agreements with these international partners are, in and of themselves, a compelling reason to proceed with the program. I would, however, emphasize that this is an unprecedented level of international cooperation, undertaken at our initiative, and its abandonment would say nothing positive about our willingness to live up to our commitments.

A decision to terminate the space station program will likely put a period at the end of this Nation's manned space program—there will be nowhere else to go, and we will have missed our one opportunity to impel mankind toward a better future. If we continue to move forward, however, we will keep alive our Nation's hope for a better, greater future.

Yes, we have social and economic problems all around us. But the problems of the future will surely be worse. For our children and grandchildren, and subsequent generations of Americans to prosper, they will require new ideas, new knowledge, new technology, new

products, new jobs, and new worlds to conquer. Your vote for space station is a vote for a stronger America and a better world.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I am starting to feel like a broken record player. It seems as if nearly every time I make a trip to the floor this Congress I have the same message. Apparently, however, I need to say it one more time.

Simply put, good public policy means looking farther ahead than the next election.

Mr. Chairman, the international space station is all about long-term vision. It is about a vision of national unity. It is about a vision of U.S. competitiveness. And, it is about a vision of international cooperation.

There is no question that the space station has a high price tag in the near future. But, Mr. Chairman, this is the U.S. House of Representatives, not some for-profit corporation. It is, in fact, our job to consolidate public resources and invest them for the future.

The space station offers huge dividends. Our Nation's gains from space flight in the areas of general technological capability and specific spinoff inventions is well documented. The lives of thousands of Americans have been improved and in fact saved by technologies discovered during manned space flight.

And, Mr. Chairman, manned space flight bring this Nation together. One need only see "Apollo 13," or hear the roar of a shuttle launch, or listen to the old tapes of man's first walk on the Moon to understand this phenomenon.

Finally, we must consider the long-term value of working toward common goals with members of the international community. Mr. Chairman, I ask you what the dollar value is of a strong working relationship with our friends in Russia? How much money do we save by avoiding another cold war?

Mr. Chairman, I do not understand how anyone claiming to be a policymaker can ignore these benefits in favor of short term political gain. I urge my colleagues to vote "no" on this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STOCKMAN], whose district makes a great contribution to space station.

(Mr. STOCKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOCKMAN. Mr. Chairman, speaker after speaker will get up here and say, "I remember as a child, I remember as a child the great things that astronauts used to do."

□ 1015

But do you know what they are saying? "We want to kill the dream for the next generation so they cannot stand up here a generation from now and say, 'I remember space station, I remember how it thrilled me.'"

They want to rob that. We are going to rob the next generation of that.

They say, "Well, what is it going to produce?" I have never heard a scientist predict what he is going to find in space. I never knew so many scientists were in Congress. My wife

worked on it, and time after time again they would say, "Redesign it."

I ask: How many rocket scientists do we have here? I have not heard them speak. I have not heard a thing.

You know, when we were discussing Alaska, it was an icebox, and on this very floor they denigrated it. Why get Alaska? There is nothing in Alaska. Where are those voices today? They are gone.

Where are the voices for science? The doctors, the naysayers? They are all out here robbing our children of the future. "No, we cannot have a space station. No, we cannot have a future." It is because we do not have a vision in this country anymore that we are willing to kill the space station. We cannot allow that to happen.

Queen Isabella, she had lots of problems. I am sure she had potholes and social problems, but she went forth, spent the money, and it was expensive and found this country. That was probably a waste, in many of my colleagues' eyes.

I think it is wrong and shortsighted what we are doing here today, or trying to do, and this annual amendment is shortsighted.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. ZIMMER], the distinguished cosponsor of the amendment.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding.

My friend from Texas talks about the thrill of having a space station in orbit. Just think about it. Will our children really be thrilled 30 years after a man walked on the Moon to have a space station in low Earth orbit, something the Russians have been doing for 10 years, at a cost of our entire space program, including plans to get us back to the Moon and on to Mars? I think not.

Simply put, the space station is not worth the money, whether you agree with NASA's unrealistic \$37.5 billion sticker price or the far more realistic General Accounting Office \$94 billion estimate. The National Taxpayers' Union strongly supports the Roemer-Zimmer amendment. So does Citizens Against Government Waste. Citizens Against Government Waste has scored this vote year after year, as well they should. The Office of Technology Assessment has said placing the Russian contribution in the critical path to completion poses unprecedented programmatic and political risks. The Congressional Research Service points out the many, many challenges and threats to the budget and the timetable of the space station: Huge increases in the number of space walks, having to launch 73 missions exactly on time, some of them within a 5-minute launch window.

We may be technically within budget and on time at this point. I predict and I assure you that next year we will not be.

Let us cut our losses and the losses of our foreign partners and terminate this program now.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

I would conclude with summing our position up on this amendment by saying that this amendment is about the dreams of America. It is about the hopes of Americans. It is about new frontiers, but it is more complicated than saying that these new frontiers are only limited to a space station in space.

Our dreams and our hopes and our new frontiers are also on Earth. They are about a \$4.8 trillion debt that is killing our children's futures and dreams. They are about programs that are being offered in this Congress to kick children off of Head Start.

Our dreams from Alabama to Indiana, from California to New Jersey are about Congressmen and women making the difficult decisions at times based on the merits of programs, not on the movies and theaters. We are not assessing the merits of a space station based upon Tom Hanks' performance in "Apollo 13". If we were, I think you have a 435-to-0 vote in favor of Tom Hanks.

What we are assessing today is a space station that has gone from \$8 billion in costs to \$94 billion. What we are assessing today is a space station that has gone from eight scientific nations to one. What we are assessing today is a Congress. Does it have the will and the tenacity and the courage to start moving toward a balanced budget for the hopes and the dreams of all Americans.

Mr. Chairman, all science is not successful. I wish it was. Thank goodness Christopher Columbus was successful. Thank goodness Charles Lindbergh and thank goodness Jim Lovell were, but the space station is not the same kind of science or merit that those previous programs were.

Vote to cut the space station now before it eats up the rest of the seed corn for a precious NASA budget and science budget.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Roemer amendment, and I just wanted to make one thing very, very clear to our fellow Members here. There are a lot of figures being thrown around about the space station, some claiming that it is going to cost \$94 billion, a GAO study that claims that that is for the full cost of the station. Well, there are \$8 billion spent on redesigns that were commissioned by this Congress in redesigning this program over and over again, and now you have the program finalized, you have international partners in it, it is on budget, it is on time, it is good science.

There are 14 different programs from NIH that are going up on this space station. There are seven different phar-

maceutical companies interested in doing significant research in areas like diabetes, osteoporosis, that are going to go up on this space station. Included in that supposed \$94 billion is \$47 billion in shuttle operations over the next 15 years.

The supporters of this amendment, are they claiming they want to ground the shuttle, that they want to completely end our manned space program? I think the American people say no, and they have said no consistently for the past 5 years. Repeatedly this body has voted in support of this program.

Now we are about the business of trying to kill it one more time. Now while we have the Japanese investing \$1 billion in their part of the program, we have our European partners investing \$2 billion in their part of the program, while we are in the process of bending metal and finalizing this and ready to put it up in the air, the dream is about to become a reality, one more time the naysayers are coming forward and saying no, no, no, we cannot have a space station, we cannot afford it.

Well, I submit to my colleagues that if that type of attitude had existed in the past, Jefferson would never have purchased the Louisiana Purchase.

Mr. LEWIS of California. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, there was a lot of conversation yesterday and today about whether man should be in space. There are those on the floor who really do not believe in our manned space mission, as well as a great deal of discussion regarding the role of NASA and the impact it might have upon our economy.

I have done some calculating here this morning. We have a \$1.4 trillion national budget. NASA's entire budget represents .01 percent of our national commitment to a variety of domestic programs. Within the NASA budget only 15 percent goes to station, and yet station is the centerpiece of all of NASA's work.

Without a doubt, the American people have expressed themselves. They support strongly man's work in space and our future in space.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Indiana [Mr. ROEMER] will be postponed.

The point of order of no quorum is considered withdrawn.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask the Chairman's indulgence to engage in a colloquy with the gentleman from California [Mr. LEWIS].

Mr. LEWIS, I want to applaud your efforts in agreeing to work to provide funding for an outpatient clinic to help meet the critical medical needs of the 450,000 northern California veterans. I strongly support this proposal and I appreciate the fact that you have gone out of your way to try and accommodate the concerns of Mr. RIGGS and myself on this issue.

The problem still remains, however, that we are still in dire need of inpatient services for these veterans north of San Francisco as a result of the closure of the Martinez Veterans Hospital damaged in the Loma Prieta earthquake. I want to ask the Chairman's further assurances to continue to work with the northern California delegation in pursuing more low-cost alternatives to providing this needed inpatient hospital care. Would the Chairman be willing to work with myself and Mr. RIGGS to find solutions to this ongoing problem?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague from California [Mr. FAZIO] raising this question.

We did discuss it to some extent yesterday on the floor. There is no question about the need in northern California for advanced services available to the veterans who live in that region. You and I know, serving on the Committee on Appropriations, the difficulties that we face.

I am not only pleased with the level of contact and communication I have had from all of your delegation regarding this matter, I certainly look forward to working with you in the months and years ahead.

Mr. FAZIO of California. I appreciate the help the gentleman may be able to offer us.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment, No. 48, that I was intending on offering this morning. It is an amendment dealing with the community development financial institutions. But as a result of conversations that took place initially between the gentleman from New York [Mr. FLAKE] and the distinguished chairman of the full Housing Committee, the gentleman from New York [Mr. LAZIO], last evening and then further conversation that I was able to have with the chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from California [Mr. LEWIS] this morning, it appears as though we can avoid the timely debate on this issue and go to, I hope, a commitment to try to find some funding for the important community development financial institu-

tions as we move this bill through the process.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York, who has done a tremendous job leading the community development institutions through the last couple of Congresses. He does tremendous work on the Housing Committee and other issues pertaining to investment in low income communities.

□ 1030

Mr. FLAKE. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY], and certainly we want to thank him for having been one of the most vocal of individuals as it relates to the development of the communities, particularly these urban communities where we have had a great deal of stress as it relates to trying to make sure that we turn these communities around.

Mr. Chairman, I would like to enter into a colloquy with my colleague from Long Island, NY [Mr. LAZIO], who has worked diligently both as a member of the Subcommittee on Housing and Community Opportunity and now as the chairperson of housing as it relates to our concerns about community development financial institutions, and in our discussion, Mr. Chairman, one of the concerns that the gentleman knows that is passionately a part of my responsibility here and my work in New York has been to try to assure that we find means by which we get funds into communities where we cannot invest the funds, investment funds that allows for us to have an opportunity to generate jobs, to generate the means by which we rebuild those commercial strips.

As the gentleman knows, Tom Ridge and I started out in 1991 with the Bank Enterprise Act which we got passed by this body. The Bank Enterprise Act sort of served as a foundation for the community development financial institutions where we would give banks an opportunity to be able to participate in communities that they had ignored and then by helping to put resources in those communities to turn them around, and, Mr. Chairman, what I am asking of the gentleman is that, as we move forward and understand these distressed communities still have needs and yet in this particular budget the \$104 million that was originally asked for CDFI is zeroed out, I am asking the gentleman's support, if he will, to allow us in understanding what the need is, and understand that America can never be strong if a part of America is still distressed, if a part of America does not have an opportunity to create means by which we can create jobs, if a part of America does not have the means by which it can build its commercial strips and on those commercial strips be able to turn them around and generate opportunities for

those young people who may otherwise end up in jail.

I would like the gentleman's support in assuring that, when we get this bill together, when we move into the conference stages, that he will assist us because I know that he and I in our discussions understand that this is a reality of a need for America.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. I would like to respond to my friend, the gentleman from New York [Mr. FLAKE], and say first of all that no Member of this body has done more for his district than the gentleman has in fostering partnerships and leveraging public funds and private funds together to make life better, and this Member also believes that, as the gentleman does, that access to credit and an increase in entrepreneurship is one of the foundations of turning some of our most underserved communities around and that we do need to do more and commit ourselves to do more in terms of access to capital for young, budding entrepreneurs, especially in our underserved areas, and the gentleman has the commitment from this chairman, from this Member, that I will work with him to find ways both through CDFI and other means to ensure that we have better access to capital in some of our most underserved areas.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. I want to say to all the gentlemen involved that I have the deepest respect for the work that they are involved with here. If we can provide opportunity to enter our marketplace in a way that allows for growth and job opportunity—

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(On request of Mr. LEWIS of California and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. Access to capital is very fundamental to the success of the kind that the gentleman is talking about. I want all of my colleagues to know that, while the committee did zero CDFI by way of \$104 million, that this was in no small part because there is in the bill the President signed yesterday a \$50 million pool for this activity that is to be run through the Department of the Treasury. Frankly, I am scratching my head about whether that is the right approach. As we go toward the Senate for a conference, I want to be discussing this in depth with the gentleman and very much appreciate the commitment that all the gentlemen have to this very important work.



Mr. KENNEDY of Massachusetts. Reclaiming my time, I appreciate both gentlemen's commitment to this program, and I just want to say I talked with the Treasury Department earlier this morning. They are looking forward to entering into a dialog with the gentleman from California [Mr. LEWIS] and the gentleman from New York [Mr. LAZIO] with regard to exactly what funds should be utilized for the purposes, but I am glad to hear that both chairmen have committed themselves to making certain that community development financial institutions maintains the level of funding going into the next year.

Mr. LEWIS of California. Let me add just one more thing, if I may.

The gentleman from New York [Mr. FLAKE] and the gentleman from Massachusetts [Mr. KENNEDY] have a deep commitment to this work, as my chairman from the committee does here as well. We have time pressures today. We are going to have an extended debate, but we will have that discussion in the months ahead, and hopefully it will be very fruitful. I appreciate very much my colleagues' cooperation with the Members' problem on the floor today as we make this very important point.

Mr. KENNEDY of Massachusetts. I appreciate very much the gentleman's cooperation, and I want to just tell the gentleman from New York [Mr. LAZIO] that I look forward to working with him on this and a number of other issues. We had some differences on the floor yesterday, but I look very much forward to working with him in the future.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I submit my remarks in strong opposition to the amendment offered by the gentleman from Indiana [Mr. ROEMER] and in support of the space station.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of July 27, 1995, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: On unprinted amendment offered by the gentlewoman from Ohio [Ms. KAPTUR]; amendment No. 34 offered by the gentleman from Oregon [Mr. DEFazio]; amendment No. 57 offered by the gentleman from Indiana [Mr. ROEMER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR: Page 20, line 25, after the dollar amount insert the following: "(increased by \$234,000,000)".

Page 21, line 15, after the dollar amount insert the following: "(increased by \$234,000,000)".

Page 64, line 16, after the dollar amount insert the following: "(reduced by \$234,000,000)".

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 222, not voting 20, as follows:

[Roll No. 596]

#### AYES—192

Ackerman	Gordon	Olver
Andrews	Green	Ortiz
Bachus	Gutierrez	Orton
Baessler	Hall (TX)	Owens
Baldacci	Hamilton	Pallone
Barcia	Harman	Pastor
Barrett (WI)	Hastings (FL)	Payne (NJ)
Barton	Hefner	Payne (VA)
Becerra	Heineman	Pelosi
Beilenson	Hinchey	Poshard
Bevill	Holden	Rahall
Bishop	Hunter	Ramstad
Bonior	Jackson-Lee	Rangel
Borski	Jacobs	Reed
Brown (FL)	Johnson (CT)	Richardson
Brown (OH)	Johnson (SD)	Rivers
Bryant (TX)	Johnson, E. B.	Roemer
Cardin	Kanjorski	Rose
Chapman	Kaptur	Roybal-Allard
Clay	Kennedy (MA)	Rush
Clayton	Kennedy (RI)	Sabo
Clement	Kennelly	Sanders
Clyburn	Kildee	Sawyer
Coleman	Kingston	Schroeder
Collins (IL)	Kleccka	Schumer
Conyers	Klink	Scott
Costello	LaFalce	Serrano
Coyne	Lantos	Shays
de la Garza	Lazio	Sisisky
DeFazio	Levin	Skaggs
DeLauro	Lewis (GA)	Staghter
Dellums	Lincoln	Souder
Deutsch	Lipinski	Spratt
Dicks	Lofgren	Stark
Dingell	Lowe	Stenholm
Dixon	Luther	Stokes
Doggett	Maloney	Studds
Dooley	Manton	Stupak
Dornan	Manzullo	Tanner
Doyle	Markey	Taylor (MS)
Duncan	Martinez	Tejeda
Durbin	Martini	Thompson
Edwards	Mascara	Thornton
Engel	Matsui	Torres
Ensign	McDermott	Torricelli
Eshoo	McHale	Towns
Evans	McNulty	Traficant
Farr	Meehan	Velazquez
Fattah	Meek	Vento
Fazio	Menendez	Visclosky
Fields (LA)	Mfume	Wamp
Flake	Miller (CA)	Ward
Foglietta	Mineta	Waters
Ford	Molinari	Watt (NC)
Fox	Mollohan	Watts (OK)
Frank (MA)	Montgomery	Waxman
Franks (CT)	Moran	Weller
Frost	Morella	Williams
Furse	Murtha	Wilson
Gejdenson	Nadler	Wise
Geren	Neal	Wolf
Gibbons	Ney	Wyden
Gilman	Oberstar	Wynn
Gonzalez	Obey	Yates

#### NOES—222

Abercrombie	Bass	Bono
Allard	Bentsen	Boucher
Archer	Bereuter	Brewster
Armey	Bilbray	Browder
Baker (CA)	Billakis	Brownback
Baker (LA)	Bliley	Bryant (TN)
Ballenger	Blute	Bunn
Barr	Boehlert	Bunning
Barrett (NE)	Boehner	Burr
Bartlett	Bonilla	Burton

Buyer	Hastings (WA)	Petri
Callahan	Hayes	Pickett
Calvert	Hayworth	Pombo
Camp	Hefley	Pomeroy
Canady	Herger	Porter
Castle	Hilleary	Portman
Chabot	Hobson	Pryce
Chambliss	Hoekstra	Quillen
Chenoweth	Hoke	Quinn
Christensen	Horn	Radanovich
Chrysler	Hostettler	Regula
Clinger	Houghton	Riggs
Coble	Hoyer	Roberts
Coburn	Hutchinson	Rogers
Collins (GA)	Hyde	Rohrabacher
Combest	Inglis	Ros-Lehtinen
Cooley	Johnson, Sam	Roth
Cox	Jones	Roukema
Cramer	Kasich	Royce
Crapo	Kelly	Salmon
Cremeans	Kim	Sanford
Cubin	King	Saxton
Cunningham	Klug	Scarborough
Danner	Knollenberg	Schaefer
Davis	Kolbe	Schiff
Deal	LaHood	Seastrand
DeLay	Latham	Sensenbrenner
Diaz-Balart	LaTourette	Shadegg
Dickey	Laughlin	Shaw
Doolittle	Leach	Shuster
Dreier	Lewis (CA)	Skeen
Dunn	Lewis (KY)	Skelton
Ehlers	Lightfoot	Smith (MI)
Ehrlich	Linder	Smith (NJ)
Emerson	Livingston	Smith (TX)
English	LoBiondo	Smith (WA)
Everett	Longley	Solomon
Ewing	Lucas	Spence
Fawell	McCarthy	Stearns
Fields (TX)	McCollum	Stockman
Flanagan	McCrery	Stump
Foley	McDade	Talent
Forbes	McHugh	Tate
Fowler	McInnis	Tauzin
Franks (NJ)	McIntosh	Taylor (NC)
Frelinghuysen	McKeon	Thomas
Frisa	Metcalf	Thornberry
Funderburk	Mica	Thurman
Galleghy	Miller (FL)	Tiahrt
Ganske	Minge	Torkildsen
Gekas	Mink	Upton
Gephardt	Moorhead	Vucanovich
Gilchrest	Myers	Waldholtz
Gillmor	Myrick	Walker
Goodlatte	Nethercutt	Walsh
Goodling	Neumann	Weldon (FL)
Goss	Norwood	Weldon (PA)
Graham	Nussle	White
Greenwood	Oxley	Whitfield
Gunderson	Packard	Wicker
Gutknecht	Parker	Woolsey
Hancock	Paxon	Young (FL)
Hansen	Peterson (FL)	Zeliff
Hastert	Peterson (MN)	Zimmer

#### NOT VOTING—20

Bateman	Hall (OH)	Meyers
Berman	Hilliard	Moakley
Brown (CA)	Istook	Reynolds
Collins (MI)	Jefferson	Tucker
Condit	Johnston	Volkmer
Crane	Largent	Young (AK)
Filner	McKinney	

□ 1055

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

Mr. BENTSEN and Mrs. ROUKEMA changed their vote from "aye" to "no."

Mr. JOHNSON of South Dakota, Mr. MANZULLO, and Mrs. MORELLA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

#### PERSONAL EXPLANATION

Mr. TUCKER. Mr. chairman, earlier this morning there were three votes. I missed two. Had I been present I would have voted "yes" on the Kaptur



amendment, rollcall 596, and "yes" on the DeFazio amendment, rollcall 597.

AMENDMENT OFFERED BY MR. DEFAZIO

The CHAIRMAN. The unfinished business is the request for a recorded vote on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] on which further proceedings were postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

Amendment No. 34: Page 8, line 9, strike "\$16,713,521,000" and insert "\$16,725,521,000".

Page 79, line 23, strike "\$22,930,000" and insert "\$6,000,000".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 242, not voting 17, as follows:

[Roll No. 597]

AYES—175

Ackerman	Gonzalez	Owens
Andrews	Payne (NJ)	
Barcia	Goodlatte	
Barrett (NE)	Hall (TX)	
Barrett (WI)	Hastings (FL)	
Barton	Hayes	
Bass	Hayworth	
Becerra	Hilliard	
Beilenson	Hinchey	
Bentsen	Hoke	
Bilbray	Horn	
Blute	Hutchinson	
Bonior	Jackson-Lee	
Borski	Jacobs	
Boucher	Johnson, E. B.	
Brewster	Johnson, Sam	
Brown (CA)	Jones	
Brown (OH)	Kanjorski	
Brownback	Kennedy (MA)	
Bunn	Kennedy (RI)	
Camp	Kildee	
Cardin	Klug	
Chapman	LaFalce	
Chrysler	Leach	
Clay	Levin	
Clayton	Lewis (GA)	
Coburn	Lincoln	
Collins (IL)	Linder	
Conyers	Lipinski	
Cox	LoBiondo	
Coyne	Lofgren	
DeFazio	Longley	
Dellums	Lowe	
Dingell	Luther	
Dixon	Maloney	
Dooley	Manton	
Doyle	Manzullo	
Duncan	Markey	
Durbin	Martinez	
Edwards	Martini	
Ehrlich	Matsui	
Engel	McDermott	
English	McHale	
Ensign	McHugh	
Eshoo	Meehan	
Evans	Metcalf	
Farr	Mfume	
Fattah	Miller (CA)	
Fields (LA)	Miller (FL)	
Foglietta	Mineta	
Foley	Minge	
Fox	Mink	
Frank (MA)	Mollohan	
Franks (CT)	Nadler	
Franks (NJ)	Neal	
Furse	Neumann	
Gephardt	Oberstar	
Gibbons	Obey	
Gilchrest	Oliver	

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Bartlett
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Browder
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Dreier
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Forbes
Ford
Fowler
Frelinghuysen
Frisa
Frost

Bateman
Berman
Clement
Collins (MI)
Crane
Filner

NOES—242

Funderburk
Gallagher
Ganske
Gejdenson
Gekas
Geren
Gillmor
Gilman
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Johnson (CT)
Johnson (SD)
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klecza
Klink
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
Lucas
Mascara
McCarthy
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Mica
Molinar
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt

NOT VOTING—17

Hall (OH)
Istook
Jefferson
Johnston
Largent
McKinney
Meyers
Moakley
Reynolds
Tucker
Volkmer

□ 1104

Mr. FAZIO of California and Mr. RUSH changed their vote from "aye" to "no."

Messrs. COYNE, ENGLISH of Pennsylvania, WATTS of Oklahoma, and

FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. ROEMER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 132, noes 287, not voting 15, as follows:

[Roll No. 598]

AYES—132

Ackerman	Holden	Olver
Barcia	Hutchinson	Owens
Barrett (WI)	Inglis	Pallone
Bass	Jacobs	Paxon
Bereuter	Johnson (SD)	Payne (NJ)
Blute	Kanjorski	Payne (VA)
Brown (CA)	Kaptur	Pelosi
Brown (OH)	Kelly	Peterson (MN)
Camp	Kennedy (MA)	Pomeroy
Chabot	Kildee	Porter
Christensen	Kingston	Portman
Coble	Klecza	Poshard
Collins (GA)	Klink	Ramstad
Collins (IL)	Klug	Rangel
Conyers	LaFalce	Reed
Costello	Latham	Rivers
Coyne	Lazio	Roemer
Creameans	Leach	Roukema
Danner	Levin	Rush
DeFazio	Lincoln	Sabo
Dellums	Lipinski	Sanders
Dingell	LoBiondo	Sanford
Doyle	Longley	Schroeder
Duncan	Lowe	Schumer
Durbin	Luther	Serrano
Ensign	Maloney	Shays
Evans	Manzullo	Shuster
Fattah	Markey	Slaughter
Foglietta	Martini	Smith (MI)
Ford	McCarthy	Spratt
Frank (MA)	McDermott	Stark
Franks (NJ)	McHugh	Studds
Furse	McNulty	Stupak
Ganske	Meehan	Thompson
Gibbons	Menendez	Upton
Goodlatte	Miller (CA)	Velazquez
Goodling	Minge	Vento
Gordon	Mink	Wamp
Gunderson	Montgomery	Ward
Gutierrez	Myers	Waxman
Hamilton	Nadler	Woolsey
Herger	Nussle	Wyden
Hilleary	Oberstar	Yates
Hoekstra	Obey	Zimmer

NOES—287

Abercrombie	Beilenson	Brown (FL)
Allard	Bentsen	Brownback
Andrews	Bevill	Bryant (TN)
Archer	Bilbray	Bryant (TX)
Armey	Bilirakis	Bunn
Bachus	Bishop	Bunning
Baesler	Bliley	Burr
Baker (CA)	Boehlert	Burton
Baker (LA)	Boehner	Buyer
Baldacci	Bonilla	Callahan
Ballenger	Bonior	Calvert
Barr	Bono	Canady
Barrett (NE)	Borski	Cardin
Bartlett	Boucher	Castle
Barton	Brewster	Chambliss
Becerra	Browder	Chapman

Chenoweth	Hayworth	Radanovich
Chrysler	Hefley	Rahall
Clay	Hefner	Regula
Clayton	Heineman	Richardson
Clement	Hilliard	Riggs
Clinger	Hinchey	Roberts
Clyburn	Hobson	Rogers
Coburn	Hoke	Rohrabacher
Coleman	Horn	Ros-Lehtinen
Combest	Hostettler	Rose
Condit	Houghton	Roth
Cooley	Hoyer	Roybal-Allard
Cox	Hunter	Royce
Cramer	Hyde	Salmon
Crapo	Jackson-Lee	Sawyer
Cubin	Johnson (CT)	Saxton
Cunningham	Johnson, E. B.	Scarborough
Davis	Johnson, Sam	Schaefer
de la Garza	Jones	Schiff
Deal	Kasich	Scott
DeLauro	Kennedy (RI)	Seastrand
DeLay	Kennelly	Sensenbrenner
Deutsch	Kim	Shadegg
Diaz-Balart	King	Shaw
Dickey	Knollenberg	Sisisky
Dicks	Kolbe	Skaggs
Dixon	LaHood	Skeen
Doggett	Lantos	Skelton
Dooley	LaTourette	Smith (NJ)
Doolittle	Laughlin	Smith (TX)
Dornan	Lewis (CA)	Smith (WA)
Dreier	Lewis (GA)	Solomon
Dunn	Lewis (KY)	Souder
Edwards	Lightfoot	Spence
Ehlers	Linder	Stearns
Ehrlich	Livingston	Stenholm
Emerson	Lofgren	Stockman
Engel	Lucas	Stokes
English	Manton	Stump
Eshoo	Martinez	Talent
Everett	Mascara	Tanner
Ewing	Matsui	Tate
Farr	McCollum	Tauzin
Fawell	McCrery	Taylor (MS)
Fazio	McDade	Taylor (NC)
Fields (LA)	McHale	Tejeda
Fields (TX)	McInnis	Thomas
Flake	McIntosh	Thornberry
Flanagan	McKeon	Thornton
Foley	Meek	Thurman
Forbes	Metcalf	Tiahrt
Fowler	Mfume	Torkildsen
Fox	Mica	Torres
Franks (CT)	Miller (FL)	Torricelli
Frelinghuysen	Mineta	Towns
Frisa	Molinari	Traficant
Frost	Mollohan	Tucker
Funderburk	Moorhead	Visclosky
Galleghy	Moran	Vucanovich
Gejdenson	Morella	Waldholtz
Gekas	Murtha	Walker
Gephardt	Myrick	Walsh
Geren	Neal	Waters
Gilchrest	Nethercutt	Watt (NC)
Gillmor	Neumann	Watts (OK)
Gilman	Ney	Weldon (FL)
Gonzalez	Norwood	Weldon (PA)
Goss	Ortiz	Weller
Graham	Orton	White
Green	Oxley	Whitfield
Greenwood	Packard	Wicker
Gutknecht	Parker	Williams
Hall (TX)	Pastor	Wilson
Hancock	Peterson (FL)	Wise
Hansen	Petri	Wolf
Harman	Pickett	Wynn
Hastert	Pombo	Young (AK)
Hastings (FL)	Pryce	Young (FL)
Hastings (WA)	Quillen	Zeliff
Hayes	Quinn	

## NOT VOTING—15

Bateman	Hall (OH)	McKinney
Berman	Istook	Meyers
Collins (MI)	Jefferson	Moakley
Crane	Johnston	Reynolds
Filner	Largent	Volkmer

□ 1113

The Clerk announced the following pair:

On this vote:

Mr. Largent for, with Mr. Johnston of Florida against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, I was unavoidably detained during rollcall No. 597 on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO]. I would like the RECORD to indicate that I would have voted "no."

□ 1115

Mr. TALENT. Mr. Chairman, I move to strike the last word.

I would ask the gentleman from California if he would be kind enough to yield time to me for a little informal discussion here?

Mr. Chairman, I wanted to say to the gentleman that something happened in my office, and I wanted to ask if this is happening to other Members, as far as he knew. My Washington office staff got a call late last night from one of the regional EPA staffers from my area saying they had done a quick and dirty study of the bill, and that was their words, quick and dirty study of the bill, in the superfund section of it, and they thought if the bill passed they would not be able to do cleanup on a site in my district.

This is the night before the vote on the bill. I took it, at best, as an attempt to lobby me, and, at worst, an attempt to threaten me, and I wanted to know if this had been happening to any other Members, as far as you know, and what is going on about it?

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, is he suggesting that EPA staff called his office last night essentially to imply that unless they got all the money they wanted that in some way they would not deal with a cleanup problem at a Superfund site in his district; is that what he is saying?

Mr. TALENT. That is right. The site they mentioned, as far as I know, is not listed as a site yet, but the staffer said this was done on the basis of a quick and dirt study. When my staff pressed her on it, she said she is a foot soldier and that this is headquarters telling them to do this.

Mr. LEWIS of California. If the gentleman would yield further, I must say to my colleague, Mr. TALENT, that such a phone call does not surprise this Member. I have had similar calls in my own district which suggested that if work at a Superfund site that is ongoing, it might be in trouble if they do not get the kind of funding that they would expect.

This bill provides for over \$6 billion of funding for ongoing work at Superfund sites. Those sorts of phone calls do not surprise me. I consider the EPA to be a regulatory agency out of control.

Mr. TALENT. I have had other bad experiences with them. It is kind of ironic they are moving forward on another site in my area, and I do not want them to, and now they say they will not move forward on something that is not even a site yet.

I would say to the chairman, and I am sure he would share this, an objec-

tive study with a written analysis that is documented and circulated to the Members, I want to know the facts. I want to know what their opinion is on the outcome of legislation, however, a last minute phone call based on an admittedly "quick and dirty study" is out of bounds. I do not react well to that.

I hear the gentleman, and I just wanted to let him know about it and to see if other people were subject to the same thing.

Mr. LEWIS of California. If the gentleman would yield further, I certainly would not want to overstate the case, but it is very apparent that a number of Members have been suggesting we need further legislation relative to agencies that would use federal funds for lobbying purposes. I am not sure how I could exactly describe this one, but it is very apparent that this is an agency that believes it should do whatever is necessary to have its view be reflected in our law and our work regardless of how the Members may feel.

Mr. TALENT. Mr. Chairman, I thank the gentleman for his fine work in this area.

AMENDMENT NO. 66 OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment No. 66.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 66 offered by Mr. STOKES: Page 53, line 18, strike "": *Provided* and all that follows through "appropriate" on page 55, line 9.

Page 55, line 19, strike "": *Provided* and all that follows through "concerns" on page 59, line 3.

The CHAIRMAN. Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Ohio [Mr. STOKES] will be recognized for 45 minutes, and a Member opposed will be recognized for 45 minutes.

Mr. STOKES. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset I want to express my appreciation to a distinguished Member on the other side of the aisle, Mr. BOEHLERT, for being the coauthor of this amendment. I welcome Chairman BOEHLERT's cosponsorship since he is chairman of a subcommittee with jurisdiction over this subject.

Mr. Chairman, as we have discussed with regard to other titles of this bill, we are today considering a bill that does create revolutionary harm to our veterans and to the poorest of the poor. Now we are considering another series of radical changes, this time to the Nation's environmental laws.

It is no exaggeration to say, Mr. Chairman, that title III of this bill represents the biggest step backward in environmental protection that this body has considered since the original Earth Day, 25 years ago. Let there be no mistake about what this bill is about, this bill rolls back environmental protections.

The bill does this through a one-third reduction in the funds available to the Environmental Protection Agency for implementing the laws that protect our waters, lands, and air. Environmental enforcement is slashed by more than 50 percent. Reductions in the superfund program total more than \$550 million.

But besides these environmental disasters that stem from a frontal assault on EPA's budget, the bill also contains page upon page of fine print that amount to a second, sneak attack on the Nation's environment. These are what we in Washington call legislative riders. These riders have been crafted by an Appropriations Subcommittee to take legislative action that has not been considered by authorizing committees, that has not been the subject of full debate, that really has not seen the light of day. And when our constituents find out how radical, how extreme, how special-interest-oriented these riders are, they will certainly hold us accountable.

Among the legislative provisions that have been tacked onto this bill, Mr. Chairman, are measures that stop implementation and enforcement of this Nation's clean water laws—as Mr. BOEHLERT the cosponsor of this bill and chairman of the subcommittee with jurisdiction over this issue—will describe more fully. Also included are more than a dozen other environmental insults including:

A rider which creates an exemption for a single special interest, the refinery industry, from a toxic emissions standard due out shortly for that industry. Unfortunately, while efforts to control refinery toxic emissions go into suspended animation, the lungs of our citizens will not—the many citizens of this country that live near refineries, including many urban citizens, will continue to breathe refinery emissions that include known carcinogens and other hazardous substances.

Another rider creates a special exemption for the oil and gas exploration and production industry. This time the exemption is from EPA's rules on the prevention of accidental releases of hazardous substances. Unfortunately for our citizens, some of the worst industrial accidents are associated with gas processing facilities and over 700 of these facilities will be exempted from this accident prevention program.

A fourth provision bars EPA from promulgating, implementing or enforcing a title V operating permit program for large stationary sources in any State "involved in litigation regarding provisions of title V." These operating permits are vital for implementing

other parts of the Clean Air Act such as the air toxics, acid rain and non-attainment programs, yet the filing in any state of any suit involving any part of title V, no matter how meritless, will block EPA's ability to implement this program in that State.

Yet another rider mandates specific statutory interpretations and procedural hoops all designed to prevent EPA from creating protective toxic emissions standards for cement kilns that burn hazardous waste.

Another rider strips EPA of its ability to gather additional information from chemical manufacturers and other industrial sites under the Community-Right-to-Know Act and other statutes. What is especially ironic here is that the information that the EPA was after is vital for the development of risk analyses for these source categories.

Finally, another rider guts enforcement of any environmental provisions left standing by allowing polluters to hide behind a new "environmental audit" privilege. This provision allows states to shield polluters from civil actions and even criminal enforcement, regardless of how egregious their conduct and regardless of whether the privilege is relevant to their environmental wrong.

Mr. Chairman, we can probably debate for many hours the exact scope and impact of these riders and the numerous others that clutter this bill. But there is no doubt that they make significant changes in the implementation of the Clean Air Act, Clean Water Act and other environmental statutes. Yet they will be adopted without full public consideration and debate by the legislative committee and with only a few minutes of debate on the House floor.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. I thank my colleague for yielding.

Mr. Chairman, the issue we are debating right now comes down to this: Should we be undermining the Nation's most fundamental environmental statutes as part of an appropriation process that robs the public of a chance to weigh in on vital issues affecting their health and safety?

Should we be weakening environmental safeguards as part of an appropriations process that prevents Members from having the time to adequately understand and review the implications of their actions? Should we be subjecting the public to environmental dangers as part of an appropriations process that limits the ability of Members to fully debate these issues and to vote their conscience?

The answer is clearly "no."

The House rules discourage legislating on an appropriations bill, and for good reason. Appropriation bills are a

back-door tactic that is chosen when the direct, healthy, open approach is likely to fail. That is why for 40 years, two generations, the Republican Party has complained bitterly about the use of appropriations bills in this manner.

So what do we do now that we are in power? We place more riders on an appropriation than anyone remembers seeing in recent history. Why do we not just append volumes of the United States Code to future appropriations?

I am incensed about this violation of the process, and the process is the issue. Do not misunderstand that. If is the process here that is the issue.

I would vote for a number of these riders if they came up through the correct process. But I cannot sanction handling environmental issues in such a cavalier manner.

A Member of Congress who is a very diligent, hardworking, responsible colleague came up to me and had just learned that one of these riders could have a disastrous consequence on his congressional district. He just learned about it. Had no idea. That is a prime example of why we should not be operating in this manner. These riders block regulations, effectively repeal basic statutes, and create all manner of mischief. It would be hard to think of legislation that is more deserving of full and open debate and investigation. Presumably that is precisely why some people are trying to circumvent the process.

I urge my colleagues in the interest of their constituents and their families and their kids and future generations to support Stokes-Boehlert.

Mr. STOKES. Mr. Chairman, reclaiming my time, let me just say, before I reserve the balance of my time, that I agree totally with the gentleman from New York [Mr. BOEHLERT].

Mr. Chairman, this process betrays the exhaustive discussions and debates that led to the bipartisan passage of the 1990 clean air amendments and the other environmental statutes at issue. These drastic changes have no place in this appropriations bill. I urge my colleagues to support the Stokes-Boehlert amendment to strike them.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 45 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER] chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in the strongest opposition to this amendment. Make no mistake about it. As chairman of the Committee on Transportation and Infrastructure, I tell you today this is one of the most important votes that we will cast in this Congress. This amendment should be defeated.

The effect of this amendment will simply be to kill the clean water and the wetlands reforms that this House has already passed, and passed by a comfortable margin of 55 votes. Make no mistake about it, this is a back-door strategy to undo the reform to clean water and wetlands.

Some of the liberal Members of the other body who do not want to see reform have made it clear that what they would like to do is not have an authorization this year. They would like to not take up an authorization, and then simply appropriate funds against the old clean water bill, and by doing that, there would be no reform. But the money would continue to be spent to overregulate, the money would continue to be spent under the old law. That is the strategy here today, to undo what this House has already done.

Further evidence of this is the way EPA has been lobbying, and yes, I use the word "lobbying," and we heard from the gentleman from Missouri just a few moments ago, how they are lobbying. I say this is a violation of the law that should be looked into and will be looked into by our investigators. EPA over the past several weeks has spent countless hours, if not days, time, taxpayers' money in putting together a scare package which they claim purports to show all the terrible things that will happen if the clean water bill that already passed this House is enacted into law.

Interestingly, they have blatantly delivered this package only to the opponents of this legislation. This is one quote of their political rhetoric:

The appropriations proposal dismisses the critical role that clean water plays in every aspect of life. By choosing to disinvest in the protection of our most vital resource, the committee gambles with the well-being and the economic prosperity of the entire Nation for generations to come.

That is our EPA speaking, lobbying against legislation that already passed this House by a comfortable margin.

Indeed, I have informed our counterparts in the other body that we are quite prepared to go to the table to compromise. We recognize there has got to be compromise with the other body from the legislation that passed this House. We want to sit down at the table and negotiate in good faith a compromise. But what is being attempted here today is to block us from being able to do that. By saying that we lift the requirement that there can be no appropriations without an authorization, we are saying that the same old unreformed bill will be in place.

□ 1130

Many of my colleagues have come to me and talked about the hypocrisy of this amendment. I will not use the word "hypocrisy"; I will let my colleagues decide what word they want to use.

Last year on June 29, the gentleman from Ohio [Mr. STOKES], my good

friend, took the floor in an appropriations bill and stood and offered an amendment requiring that provisions be made subject to an authorization, the same approach that we are taking here today.

Not only did the gentleman last year offer an amendment saying that the appropriations bill should be subject to an authorization, my other good friend, the gentleman from California [Mr. MINETA] said, "I rise in support of the amendment by Mr. STOKES."

My other good friend, the gentleman from New York [Mr. BOEHLERT], took the floor and said, "Mr. Chairman, I rise in strong support of the Stokes amendment," adding what a refreshing change it is from last year.

So last year, we had these distinguished Members of Congress taking the floor and arguing in favor of authorization on an appropriations bill; not just any appropriations bill, but the clean water bill. I do not call that hypocrisy. My colleagues will have to decide what to call that.

This should be defeated, or all our reforms simply go down the tube.

Mr. STOKES. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I think the gentleman, Mr. SHUSTER, would agree that when he makes reference to where I said, subject to authorization, I was talking about money. I was not changing substantive law in an appropriations bill, that what we are moving to strike here is substantive changes in the law.

Mr. SHUSTER. Mr. Chairman, that is not what the gentleman's amendment does.

Mr. STOKES. Mr. Chairman, that is what this language is about.

Mr. SHUSTER. Mr. Chairman, perhaps the gentleman would like to restructure his amendment and provide that the Clean Water bill is subject to an authorization. If that is what the gentleman wants to do, I will be happy to support that, but that is not what this gentleman's language does. This is subject to authorization.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. KELLY], a tireless champion of the environment.

Mrs. KELLY. Mr. Chairman, I rise in support of the amendment offered by my colleagues, Mr. STOKES of Ohio and Mr. BOEHLERT of New York.

Mr. Chairman, this amendment would strike 17 provisions in the bill which would prohibit the funding of important environmental programs.

I voted for the Clean Water Act but, Mr. Chairman, I am concerned over the prospect of holding funding for programs that protect our air and water hostage to the appropriations process.

As we work to enact authorizing legislation, we must not jeopardize the flow of Federal funds for important environmental programs that control

combined sewer overflows, protect important wetlands, or clean our drinking water. Unfortunately, this legislation may do just that.

In the event that a clean water reauthorization bill, or superfund reform legislation, is not enacted this year, the funding for several crucial programs will be cut off. We can improve our environmental laws, but let's do it responsibly. Environmental policy should not be set through the appropriations process. Vote in favor of the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, the bill before us establishes a very bad precedent. One of the ancient rules of this body is that we should legislate in the legislative committees and appropriate in the appropriation committees.

The bill makes a series of decisions that are unwise. It has more than 20 riders affecting different clean air, clean water, safe drinking water, and other environmental statutes. It removes a number of capabilities of EPA to protect the environment and the health of the people under a series of laws written and supported overwhelmingly on the floor of this House by the legislative committees and by the House itself.

It has provisions in these riders that are so badly written, that it is impossible to tell what they mean.

For example, in its provision for protection of whole agricultural plants, the provision is so badly written that it protects either a stalk of wheat or a grain miller from action by EPA. It protects a sugar beet or a sugar processor. Clearly that is not good and that is not right.

It goes further. It says if there is some kind of an audit involving production of information, that the environmental actions by EPA are either severely impaired or made impossible.

It goes to another point. Any State which is in litigation under title V, Operating Permits, is literally assured that there can be no Federal enforcement action, even if it involves matters on that point other than those which are involved in the enforcement action, thus stripping EPA of the ability to protect the American people and stripping the American people of very important enforcement actions.

The amendment is a good one; the bill is a bad one. Legislative riders on Committee on Appropriations work should be avoided at all costs.

I urge my colleagues to support the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY], the chairman of the Committee on Commerce.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Chairman, I would like to take just a moment to address the allegations that this bill contains legislative provisions and other spending limitations that are somehow illegitimate or unnecessary.

First of all, let me say that under ordinary circumstances, I would not choose to attach legislative provisions and other types of spending limitations to appropriations bills. One of the reasons we have authorizing committees in the House is to focus on complicated policy issues, to make informed policy decisions, and to understand the consequences of our policy choices.

Unfortunately, these are not normal times. During the past 6 months, we have found numerous instances in which the regulatory agencies, especially EPA, have been exercising their authority beyond what is appropriate. Let me give just one example.

Over the past 6 months, the Commerce Committee's Subcommittee on Oversight and Investigations, chaired by Congressman JOE BARTON, has conducted an extensive series of hearings on EPA's implementation of the Clean Air Act Amendments of 1990.

The committee has held hearings on the employee commute mandate in the Clean Air Act and also on the auto emissions inspection program. The committee has held hearings on EPA's operating permit program and also on the provisions of the Clean Air Act that require reductions in emissions of toxic air pollutants.

These hearings have given the committee an understanding of a number of problems with the Clean Air Act, several of them very serious. For example, States and businesses are required by the Clean Air Act to begin to implement employee commute programs. But our hearings have shown that these programs have minimal environmental benefits and impose significant costs on employers.

As another example, EPA is under a court-ordered deadline to impose new regulations for hazardous air emissions from refineries by the end of this month. In our hearings, however, we have discovered that there are serious problems with the information EPA has used to develop these regulations. If this regulation goes forward, several small refineries could be forced to shut down.

So by virtue of problems with the Clean Air Act itself, and with EPA's implementation of the act, there are situations that need immediate attention. That's why I did not object to the provisions in the bill. I can assure the Members that there were many, many other proposed riders that did not make it into this bill. While almost all of these provisions were well-considered and identified real problems, they are problems that the Commerce Committee can deal with through its normal procedures and so I could not agree to include them in the bill.

I share the hope of the chairman of the VA, HUD Appropriations Subcommittee that we will not have to do legislation and spending limitations on this appropriations bill in the future. The Commerce Committee will work hard to address problems that develop with the implementation of the various environmental laws within its jurisdiction. But I must say that the possibility of future riders will depend in large part on whether EPA takes a more responsible approach to the way it implements the laws within its jurisdiction.

Mr. Chairman, I find it interesting that the previous speaker in the well, the gentleman from Michigan [Mr. DINGELL], did not object to a rider that is in this bill dealing with CAFE. I find that, in fact, he supported it very vigorously.

Mr. Chairman, I say this amendment should be defeated, and I hope that it will be.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to this amendment. The gentleman from New York [Mr. BOEHLERT] mentions that he would have voted if it went through the due process. He did not vote for the Clean Water Act that passed out of our committee. That is a true process.

If my colleagues realize what is occurring here, if we accept this amendment today, any reform that we seek to have in the wetlands for this Nation will not occur. If we cut off the money, it will occur. It gives us the leverage that is necessary.

Why do I believe so strongly in wetlands reform? My State is about 90 percent wetlands, according to Bill Riley and George Bush; yes, another administration, and implemented by the EPA today, and their tactics and their regulations are destroying my State and the ability of my people to progress and be economically sound.

Two cases: Nome, AK, my daughter is in Alaska today, was built by mining. It is a mining community. It has always been. We have an Eskimo lady up there that the ground is seeping away underneath her house. Her house. An elderly lady that cannot fill the ground under her house because the EPA says it is wetlands. That is our Government in action.

It is the most illogical group of individuals I have ever seen. They have told me we cannot build a school on the side of a mountain for the children of Juneau, because it has been declared wetlands. This is pure nonsense.

Mr. Chairman, the Stokes-Boehlert amendment today would continue those programs, because they finance those programs. If you want true reform as we pass through this House, we should, in fact turn down this amendment overwhelmingly.

We have followed the process. We have done the process correctly for this House. We, in fact, are doing what is right for this House. We must not let another body stop the progress we have made. We must use this for leverage. We must say, There will be no longer unrealistic application of wetlands as seen through the eyes of the EPA.

A sound "no" vote is so important for this body today, I think, for very truly if we do not vote no, we have set back the intent of this House concerning the reform of wetlands.

Mr. Chairman, I urge a strong "no" vote on the Boehlert-Stokes amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Boehlert-Stokes amendment, which seeks to eliminate a multitude of legislative provisions which prohibit the Environmental Protection Agency from enforcing current Federal law, and in doing so, preserving and protecting our Nation's environment.

I support this amendment for two reasons: H.R. 2099 abuses the legislative process, and seeks to achieve harmful policy objectives.

With respect to my concerns about the process, the manner in which some of EPA's opponents are seeking to handcuff the agency is flat-out wrong.

The Appropriations Committee should not be including some legislative language regarding EPA in its HUD-VA bill. These issues must be left to the authorizing committees, who have the responsibility to devise environmental protection policy under the standing rules of the House.

Second, I strongly disagree with the underlying policy objectives of these legislative provisions.

In years gone by the Republican Party has been a leader in environmental protection. In fact, it was President Nixon who created the EPA in the first place.

And the American people have come to agree overwhelmingly. They want a healthy environment for the children and their grandchildren.

And speaking of grandchildren—there's that old adage "out of the mouths of babes." My grandson Jimmy Kuhn and his kindergarten class in Littleton, CO, were so concerned about changes in the Clean Water Act that they wrote to me and President Clinton. One line says it all: "Congresswoman, dirty water can hurt you too."

This bill includes an unprecedented number of legislative riders which will severely restrict or even eviscerate the ability of the Environmental Protection Agency to implement key provisions of environmental laws such as the Clean Air Act, the Federal Water Pollution Control Act, and the Federal Food, Drug, and Cosmetic Act. Many of

these riders have been included in the bill even though there have been no hearings, little public discussion, and no congressional debate on the issues. This is a terrible way to make law and creates enormous uncertainty for business trying to plan the future and make appropriate investments. H.R. 2099 includes riders that:

Stops enforcement of existing programs addressing stormwater runoff. The effect on my State alone would be that raw sewage would continue to pour into local waters from outdated or inadequate sewage treatment and collection systems at 281 locations in New Jersey. Stormwater controls would be eliminated for many urban areas. The result would be widespread degradation of water quality, which would threaten the State's \$96.3 million commercial fishing and shellfishing industry and \$12.1 billion coastal tourism industry.

Stops enforcement of the wetlands protection program. My State has worked hard to develop the special area management plan that would provide new developers streamlined wetlands permit procedures in exchange for environmental improvements. Permits to develop these wetlands will be required with or without this budget provision. However, this bill would jeopardize the whole project. Without the project, permits would be piecemeal and subject to many more administrative transactions hurting both environmental and developmental interests.

Blocks enforcement of permits to prevent raw sewage overflow. The need for continued sewer overflows enforcement is strongly evidenced in the New Jersey-New York metropolitan area where there are over 780 discharge points which directly convey untreated overflows to the New York-New Jersey Harbor.

Threatens community's right-to-know about toxic emissions. This rider would stop efforts by EPA to make the toxics release inventory—a nonregulatory program which requires public disclosure of toxic discharges to the environment—more comprehensive, by including chemical mass balance information which would promote source reduction of toxic chemicals.

Prohibits action to avoid childhood lead poisoning: This effectively will prohibit EPA from issuing rules under recent Housing Act provisions intended to reduce the likelihood of childhood lead poisoning by requiring certain notices and disclosures to be provided to prospective purchasers and renters by imposing certification and training standards for lead removal contractors, and by controlling lead levels in dust, paint, and soil.

Prohibits EPA from issuing a tap water standard for arsenic—a known carcinogen—and radon and other radionuclides.

Have we lost our senses? Unbridled zeal. Health and safety first.

Remember—arsenic poisons can hurt you, too.

These are just some of the 17 objectionable riders that have been included

in this bill. These provisions represent a serious threat to the hard-fought, but well-deserved, progress that we have made in cleaning up our environment in the last 25 years. In New Jersey alone, many of these riders would prevent or delay progress in solving some of our highest priority problems.

In conclusion: This amendment does not involve the expenditure of any additional funds. It simply allows the EPA to enforce the laws that have been enacted. For those who want to change the laws, let's go through the normal authorizing process. The quality of our water, air, and food is far too important to decide in this type of piecemeal approach. Moving too quickly on something as important as the environment is the best way to make mistakes—mistakes that could be devastating to the health and safety of the public.

Again, my colleagues, in the words of my grandson's kindergarten class—in a letter to me in support for clean water—"Dirty water can hurt you too, Congresswoman."

Those 6-year-olds were writing to me, but speaking to all of us, my colleagues.

Support the Boehlert amendment.

□ 1145

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA], the ranking minority member of the Committee on Transportation and Infrastructure.

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, I rise in very strong support for the amendment offered by the ranking Democrat on the Appropriations Subcommittee on VA, HUD and Independent Agencies, Mr. STOKES, and the Republican Chair of the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, Mr. BOEHLERT of New York.

This amendment would eliminate the riders and restrictions which permeate this bill and which would assure less environmental protection and increased risk to the health and safety of our constituents.

The restrictions and riders which this amendment would eliminate have no business in this bill. The restrictions and riders serve as a backdoor attempt to circumvent the Nation's environmental laws.

While I clearly did not agree with large parts of the substance of H.R. 961, the Clean Water Amendments of 1995, when it was considered on the floor of the House, opponents were allowed to fully consider and debate that bill. Now, with little public input, and without the opportunity for the authorizing committees to consider the issues, H.R. 2099 will enact restrictions upon EPA which gut large portions of the Clean Water Act. And, it does so in a way far beyond what was contemplated in H.R. 961.

This bill does not tread lightly upon the programs of the Environmental Protection Agency, it stomps on them—even some of the more successful aspects of programs. And, it does so indiscriminately.

Without the Stokes-Boehlert amendment, EPA would be prohibited from conducting research on or developing new effluent limitations guidelines and standards, pretreatment standards or new source performance standards. Yet it is these very provisions which have led to the large degree of success over the past 20 years in addressing water pollution. Without EPA's assistance, the States will be unable to move forward on their programs should they choose to do so. This restriction abandons the States and the commitment to clean water. This restriction, as currently written, demonstrates contempt for the desires of the public and the needs of the States for the wastewater program.

Without the Stokes-Boehlert amendment, upstream property owners will be able to drain or fill wetlands with little fear of enforcement. These property owners will be able to cause flooding downstream, to destroy wildlife habitat, and degrade water quality, knowing that EPA is powerless to affect their actions. I agree that the wetlands program needs reform, but we cannot abandon our 20-year commitment to protecting water quality for ourselves and for our children.

With these restrictions and riders the Clean Water Program would be stopped dead in its tracks, and for what? To put pressure on the Senate so that special interests would have the time to pursue additional special interest legislation to create permanent waivers, loopholes, and rollbacks in water pollution control programs.

And how does this bill go about creating an environment for the enactment of the waivers, loopholes, and rollbacks? It provides that none of the funds which the cities and States need for their clean water programs are to be available until the Clean Water Act is reauthorized, presumably through enactment of H.R. 961.

Mr. Chairman, when one examines H.R. 961 for its essence, you find that cities and States were supportive of the bill because of increased funding amounts and an increase in State flexibility in addressing water quality issues. Industrial dischargers were supportive of the bill because it contained numerous opportunities for polluters to obtain waivers, loopholes, and rollbacks.

Here we are in this bill, holding back funding for cities and States so that industrial dischargers can receive the special treatment which they received in H.R. 961. The result is that the cities and States continue to have their responsibilities as partners with the Federal Government in protecting water quality, yet it is the interests of the industrial dischargers which are causing cities and States to not receive any

funding. It appears to me as though the monetary gun is pointed in the wrong direction. Those who stand to gain the least in H.R. 961, cities and States, are the very ones who are being made to suffer for the desires of the industrial polluters.

Mr. Chairman, just 2 months ago we were on the floor of this House debating proposed changes to the Clean Water Act. The special interests which did so well in the House version of clean water reform are now trying to circumvent the regular process, and avoid close public scrutiny of their amendments.

The Stokes-Boehlert amendment is about getting the House on the correct side of an environmental issue for a change. It is about allowing the authorizers the opportunity to carefully consider and make necessary changes to environmental laws. It is about fair and open Government.

If Stokes-Boehlert is defeated, we will be saying that the authorizing committees might as well close up shop and go home. We have not been represented at the Appropriations Committee, and we will not be represented at the House-Senate conference.

We should adopt the Stokes-Boehlert amendment to preserve the role of the authorizing committees, and to preserve the protection of human health and the environment.

Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I rise in opposition to this amendment.

I agree totally with the assessment of the gentleman from Pennsylvania [Mr. SHUSTER] this is a back door strategy to undo the work that this Congress has done not only in the Clean Water Act but in the regulatory moratorium and the Regulatory Relief Act that we passed as part of the Contract With America.

EPA is led by a team of individuals who, in the name of their ideology, are pushing forward these regulations that actually in some ways harm the environment and certainly cost us jobs throughout this Nation.

Let me give an example from my home district in Indiana. In Dunkirk, there is a glass factory that wanted to rebuild the ovens; they wanted to make an environmentally cleaner glass oven that would reduce the amount of emissions they put into the air. But EPA and their local enforcement agents came in and said, "You cannot do this unless you meet every single new requirement that we have." The result was it was extremely cost prohibitive. The company nearly decided to shut down the factory.

Who would have lost if they had decided to do that? The workers in that factory in Dunkirk and the environment, because they would never have gotten a cleaner, more efficient oven built.

We need to oppose this amendment in order to keep these restrictions on regulations that do not make any sense. There are regulations that EPA is trying to require us to enter into car pooling. There are regulations on States, forcing them to have inspection and maintenance operations that most States have rejected and said they do not want, they do not see the environmental benefits.

Mr. Chairman, this amendment would undo all of the good work that this Congress has done to fight needless, senseless regulations. We have a better way of protecting the environment.

I urge my colleagues to vote "no."

The EPA funding plan represents a significant step toward improving its efficiency and proper management. Moreover, this budget plan makes urgent the need for reallocating limited resources through fundamental regulatory reform.

The EPA rulemakings that this bill targets are costly and unnecessary. This bill sends a strong signal that Congress is serious about dealing with burdensome and cost-ineffective regulations that can impede economic growth and less global competitiveness. In the current budget climate, we cannot afford to expend limited resources without achieving commensurate environmental or public health gains.

This bill calls upon EPA to reevaluate its rulemaking activities in order to set priorities for the expenditure of public funds—to limit regulations only to those that serve a compelling public need, are based on sound science, and are cost effective.

This bill will prompt much-needed regulatory reform by necessitating the allocation of limited resources in the most cost-effective and productive manner. The bill is a clarion call for rational and realistic regulations—regulations that are based on sound science and subjected to risk assessment and cost-benefit analysis; regulations that are tailored to the magnitude of the problem addressed; and regulations that not only seek to achieve worthwhile goals, but also allow regulated sources to pursue the most effective means to those ends.

Finally, this bill will enhance the role of State and local governments in developing and implementing regulations.

#### REFINERY MACT

Opponents of the riders in this bill have variously maintained that these funding limitations create special interest exemptions; eviscerate the environmental statutes that currently protect our lands, waters, and air; roll back existing environmental requirements; and threaten public health and safety.

Quite the contrary, the rulemakings that are targeted in this bill represent wasteful expenditures of public resources given the environmental and health benefits that they promise to achieve. One excellent illustration is the refinery MACT rulemaking which has been going on for almost 2 years.

Far from offering effective protection from the toxic air emissions of oil refineries, EPA's proposed maximum achievable control technology standards would result in negligible environmental and health benefits, but entail high compliance costs. Specifically, EPA's "Regulatory Impact Analysis" indicated that benefits from this proposal would be minimal, and pro-

jected annual compliance costs of up to \$110 million. In fact, EPA estimates that up to seven refineries could shut down as a result of this rule.

Moreover, the health risk that this rulemaking is intended to reduce—that is, the baseline cancer incidence—is stated to be one-third of a cancer case per year.

These disclosures by EPA essentially reveal that refineries are already heavily regulated and pose no significant risk without the proposed MACT controls.

In addition, EPA's risk assessment of the proposal relied on worst-case scenarios, while the proposal is based on emissions estimates that are significantly outdated and inaccurate.

Finally, the Agency justifies this rulemaking not on the basis of benefits to be derived from regulating hazardous air pollutants from refineries, but on the basis of secondary benefits from reduced emissions of volatile organic compounds.

In its comments in response to this proposal, the Department of Energy observed that, "[w]hen the benefits of a proposal are overwhelmingly due to ancillary effects, the regulatory should instead use an alternative regulatory pathway to achieve those benefits directly." The Department advised that it would be more efficient to address VOC reductions under title I of the Clean Air Act, because a "title I approach \* \* \* would lead to VOC reductions where they are needed rather than everywhere," and "States could select specific VOC reduction measures on the basis of marginal cost effectiveness."

On the basis of its review of the proposal, the Department of Energy recommended that EPA postpone finalization of the petroleum refinery MACT rulemaking and also urged the Agency to examine its approach to MACT standard development for opportunities to consider cost effectiveness and risk/benefit.

In summation, I do not believe that defunding this rulemaking constitutes reckless action, threatening public health and the environment, but instead, represents a responsible course of action in light of our limited resources.

#### GREAT LAKES WATER QUALITY GUIDANCE

I strongly support the restriction in this bill on using funds to implement or enforce the Great Lakes Water Quality Guidance until reauthorizing legislation is enacted to amend section 118 of the Federal Water Pollution Control Act.

Despite its name, EPA's Final Water Quality Guidance for the Great Lakes System is a binding rule that takes an unnecessarily stringent and costly approach to establishing and implementing water quality standards in that region. In a study conducted for the Council of Great Lakes Governors, DRI/McGraw Hill estimated that it would cost from \$710 million to \$2 billion per year and would result in up to 33,000 jobs lost. Also, that report concluded that this guidance is not a cost-effective program for cleaning up the Great Lakes.

Among other things, this guidance adopts overly restrictive standards and criteria that are not necessary, that are unsupported by sound scientific data, that in some cases may not be achievable at any price, and that yield modest benefits.

For example, the guidance contains numeric water quality criteria that, in some cases, are actually below the quantitation levels of EPA's own analytical methods, and in some cases



below current, and even in certain instances preindustrial, levels in rainfall. This strongly suggests that these levels are not attainable, and that they need not be attained to protect human health or the aquatic environment.

Moreover, the guidance leaves the Great Lakes States little or no flexibility in designing water quality standards programs to suit their individual needs.

Recognizing that EPA has fundamentally misinterpreted section 118, by applying the guidance as a binding rule, the House has approved, as part of H.R. 961, an amendment that clarifies that section. The amendment makes clear that standards adopted by a State will be considered to be consistent with the Guidance, if they are based on sound science and provide a level of protection comparable to that in the guidance, taking into account site-specific circumstances.

This limitation on EPA's budget authority is a short-term remedy until legislative action takes place. In the meantime, this restriction will not reduce the protection afforded the Great Lakes by the Clean Water Act—sources will still be subject to all of the substantive requirements with which they must now comply. This limitation will only prevent EPA from imposing further, far more stringent requirements that are not justified by the costs involved, or the scientific data upon which they are based.

#### TOXICS RELEASE INVENTORY OF CHEMICAL USES

Under section 313 of the Emergency Planning and Community Right To Know Act [EPCRA], the Environmental Protection Agency requires facilities to report their releases of certain types of chemicals. These releases are publicly available on the so-called toxics release inventory or TRI.

EPA is now working on regulations to expand TRI reporting to include chemical usage, which will potentially double the current TRI reporting burden. This initiative will add materials accounting information to the TRI and is beyond EPA's existing statutory authority to require information on chemical releases.

For each of the 600 chemicals and chemical categories reported on the TRI, EPA is planning to add the data elements to quantify chemical inventories throughout the manufacturing process, including starting inventory, quantities received, made, and consumed, and the quantity in product. This is an extremely difficult, burdensome, and costly data collection exercise. The additional cost to a single facility to report this information has been estimated at \$1.5 million the first year and \$800,000 for following years.

Citing, "what get measured gets done," EPA claims that chemical use reporting will lead to a reduction in chemical use. This is toxics use reduction [TUR]. TUR refers to reductions in material or chemical use without consideration of emissions and risks posed by the substance. TUR is based on the false assumption that use is a good indicator of risk and that all chemical use is harmful and should be eliminated.

TUR is contrary to the basic objective of the manufacturing process, which is to harness reactive and toxic materials for useful and beneficial purposes. While product reformulation and substitution of less toxic substances do have a vital place in pollution prevention, the key to efficiently reducing pollution is to allow industry the flexibility to use many tools to achieve emissions reductions.

TUR reporting is objectionable for two primary reasons: First, public reporting for chemical use information threatens to disclose confidential information to foreign and U.S. competitors. Second, use information has not been shown to reduce risks to human health and the environment. Risk is a function of hazard and exposure. Chemical use is not a good indicator of exposure; chemical releases are.

For all of these reasons, I strongly support this bill's limitation on the use of funds to require under section 313 the submission of materials accounting, mass balance, or other chemical use data.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA] who is a leader in the fight for environmental quality and sensitivity in America.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment that will strike all 17 legislative provisions that have been attached to this appropriations bill.

Mr. Chairman, these riders are an affront to the legislative process—quite frankly, the most blatant example of circumventing the process that I have ever witnessed.

These 17 riders, cover such major programs as the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and five other general EPA programs.

Just one example. Issue: Regulations designed to control arsenic, a well documented source of human health problems, will not be implemented if this rider goes forward. EPA will be prevented from enforcing regulations that control discharges of fecal coliform, human waste—raw sewage, that enters drinking water supplies through combined sewer overflows and sanitary sewer overflows.

Results: The American people will be exposed to dangerous levels of arsenic in their drinking water. When the citizens of this country turn on the tap for a cold glass of water, they should not be exposed to unsafe levels of known toxics.

Human waste is a known source cryptosporidium, one of the most lethal water-borne pathogens. If we back away from 20 years of successful efforts to control discharges of human waste we will be jeopardizing the drinking water supplies for millions of Americans. Tell the people of Milwaukee that we should be doing less to control cryptosporidium; 104 people died and 400,000 people became ill from drinking the water in one of America's premier cities.

Combined sewer overflows and sanitary sewer overflows are responsible for tons of raw sewage entering our waters everyday. We cannot afford to let greater amounts of raw sewage enter the waters that we all depend on. We must always remember that one city's discharge is another city's drinking water.

If changes need to be made in any of these programs, then let us take them

one by one, holding hearings and following the normal legislative process. I am outraged that issues of such importance to our health and the well-being of our environment are so cavalierly superimposed on a bill that is vital to our veterans, to our housing needs, and many other Government activities. Let us get a clean bill—just the funding—and consider major programmatic changes in their proper place.

I urge your support for the Stokes-Boehlert amendment. Cast the right vote to protect our environment and the legislative process.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the Committee on Appropriations.

Mr. DURBIN. Mr. Chairman, 17 riders in this appropriation bill are a bitter vetch of environmental poison concocted by special interest groups and served up by the majority party. The Republican proposals will weaken environmental protection. They will endanger public health and safety. They will reward irresponsible polluting businesses and penalize the responsible businesses which have cleaned up their smokestacks and the water they discharge into our lakes and streams.

We in America have made real progress in cleaning up pollution, but if we let this Republican proposal pass, we will return to the polluted air and water we used to have.

Who wants these Republican environmental loopholes? Big business, foreign-owned cement kilns which release toxic pollution into the atmosphere, oil and gas refineries which will be allowed to spew air polluted with benzenes and dioxins into the air that we breathe.

America has come so far in cleaning up the environment. We cannot sell out to the special interests with these 17 riders today.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, even as we speak, 16 States or more are directly underneath the sword of the EPA which is dangling over them with the threatened sanctions that could ruin economies, cost jobs and impact our economy generally. The 16 States that are suffering this terrible tremor of waiting to see what the EPA does with sanctions has to do with the Clean Air Act. New York, my own State, Pennsylvania, Maryland, the State of the gentlewoman who just spoke, Illinois, the State from which the gentleman who just spoke on the other side, New Jersey where the other gentlewoman spoke, those States with thousands of people who drive automobiles are set for a big surprise and shock if the EPA is able to impose sanctions on their States, because of the failure, so-called failure, on the part of the EPA, of these States to rev up automobile

emissions standards and central kinds of testing.

What this bill does is give us some time to work with the EPA. It does not obliterate the program, but it gives us some time to work with the EPA and to put off the heavy impact of these sanctions until we can work something out, with the idea that the standards which are now being applied are so weak and so cumbersome and so confusing that no State in its right mind can comply.

What this amendment would do is to sweep away this little timetable that we begged to have so we can work with the EPA.

And allowing EPA to impose these sanctions, you wait until the people of New Jersey, New York, Pennsylvania, Maryland, New Jersey, Illinois, and the other 15 or 16 States rise up in pure horror when they find that the EPA has imposed sanctions and cost jobs because we were unable to defeat this amendment.

Defeat the amendment so that it will not happen.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Chairman, I support the amendment to strike these riders that will cripple the Nation's environmental program.

These riders, an unwarranted intrusion into policymaking by the Appropriations Committee, are simply designed to ensure that the Environmental Protection Agency cannot enforce the law of the land in selected, critical areas.

These riders will hamstring EPA with the sole purpose of making it easier to pollute.

The authors of this bill simply cannot wait for the authorizing process to work its will to make it easier to pollute.

These riders, if they were ever to become law, would destroy the Clean Water Act, our Nation's most successful environmental law.

When the Clean Water Act was passed in 1972, fewer than one-third of our Nation's waters met the test for fishing and swimming.

After 20 years of Clean Water Act enforcement, more than 60 percent of our rivers meet that test for fishing and swimming.

There is no question the Clean Water Act could use some fine tuning—especially in the area of wetlands—but that is no reason to reverse 20 years of progress as H.R. 2099 would do.

The environmental riders in this bill will not fine tune, fix, or mend—they will destroy the Clean Water Act.

First, EPA will be prevented from doing anything at all to control, limit, or reduce the discharge of polluted stormwater from industrial sites.

Control of acid and metal runoff from abandoned mines—the No. 1 source of

water pollution in the State of Pennsylvania—would stop.

More than 2,500 stream miles in Pennsylvania are impaired by acid mine drainage.

There are health advisories on the Ohio, Monongahela and Allegheny Rivers because of stormwater discharge.

This bill will make sure the health advisories remain and the rivers will not be used for boating, swimming, or fishing.

Second, EPA will be prevented from doing anything to limit or reduce pollution from combined sewer overflows or sanitary sewer overflows.

EPA's control policy for CSO's, a consensus policy endorsed by all the major parties will be halted.

EPA's work to reduce the discharge of raw sewage from more than 100 sites would be halted.

Third, EPA will be prevented from doing anything at all to limit damage or loss of our Nation's valuable wetlands.

These restrictions will have a major impact on wetlands initiatives throughout the Nation.

Fourth, EPA will be barred from moving forward with any new guidelines or standards to limit or reduce pollution from different categories of industry.

EPA has already issued standards for 50 major categories of industry.

EPA could not go forward with other categories, including metal products and machinery, pharmaceutical manufacturing and pulp and paper.

There are six categories of industry scheduled for final regulation in 1996 that would have no guidelines or standards.

These six categories dump 15 million pounds of toxic chemicals into our Nation's waters.

H.R. 2099 would make sure that there were no rules for these industries.

Fifth, EPA will be prevented from doing anything at all to develop a coordinated, area-wide program to reduce pollution in the Great Lakes.

Pollution control in the Great Lakes, including the control of toxic chemicals, will be left to the separate and often conflicting strategies of the States.

This strategy has resulted in fish consumption advisories in all five Great Lakes.

Mr. Chairman, these environmental riders are bad policy that will set our environmental protection policies back by decades.

I urge strong support of the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS], the chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding.

It is obvious in this debate the high road of environmental humility and common sense is not bothered by heavy traffic on this floor.

This is a rehash of the debate we had during the clean water debate of several months ago. It is a clear-cut issue.

I want to talk about the permit activity of section 404. That is the way that our wetlands program is being administered. It is a classic example of regulatory overkill.

Nobody wants to stand in the way of protecting the Nation's true wetlands. We reformed it during the consideration of H.R. 961, and we defeated several amendments, including an amendment by the gentleman from New York who gives new meaning to perseverance.

The gentleman talks about cavalier treatment. The cavalier treatment comes from Federal enforcement trivializing the rights of ordinary citizens and farmers and ranchers in my district and all across this country.

□ 1200

I am talking about the taking of private property for no environmentally sound purpose or reason, or public need. We have got at least four Federal agencies in the wetland regulatory soup. We have low spots in the field throughout farm country being designated a wetland. No self-respecting duck would ever land there. This is ridiculous.

Later in September the House Committee on Agriculture will bring to this floor a farm bill that will rely less on Federal spending, it will get the Government out of agriculture, but we made a deal to the Nation's farmers and ranchers we will move to a more market-oriented farm policy, but please, please, we must have regulatory reform. Rid us of the cost burdens that are unnecessary, and costly, and drowning us in red tape and intrusion. Defeat the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to my distinguished colleague from Dodge City, the gentleman from Kansas [Mr. ROBERTS], I would point out this is not a repeal of the Clean Water Act, which went through the authorization process. This is a back-door attempt to undermine legislation.

Make no mistake about it. If these riders are approved, regulations dealing with arsenic in our drinking water will be prohibited. Remember that. We are talking about the clean water supply for the American people.

Every single Member of this body that travels anyplace in America is not reluctant to drink water out of the tap, nor to go to a drinking fountain. Why? Because we have an agency and dedicated Federal employees operating under Federal law with Federal regulations protecting our water supply.

Mr. Chairman, we have to protect our water supply. The American people demand it.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. WAXMAN], the ranking minority member of the Subcommittee on Health and Environment.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman and my colleagues, it is bad enough this appropriations bill would cut the EPA budget overall expenditures by a third and its enforcement ability by one-half. It is clear they will not be able to enforce the laws adequately with that budget, but just be sure they do not really enforce the laws, there are riders on this bill which are extraordinary to keep EPA from using its resources to make sure we do not have radioactive substances in our drinking water or toxic emissions into the air. These proposals undermine existing laws that were put in place to protect the environment and public health. Toxic pollutants, for example, cause cancer and birth defects. I ask, "Why shouldn't we have the law enforced to make sure we don't have those diseases that can be prevented?"

Mr. Chairman, there were no hearings on these riders. Usually it goes through a committee that has jurisdiction. They are all being put on this bill in order to move them through very quickly.

Our constituents are not asking for these riders. Special interests are asking for them, and I think they are going to do a disservice to the American people and the progress that we have made to protect the environment, improve public health, and avoid the tragedies that occur when people suffer from these diseases.

I urge support for these amendments. Let us strike the riders. Let us do an appropriations bill that does not pass laws to undermine what we have already enacted into law.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, the gentleman from Louisiana [Mr. TAUZIN] just reminded me that the speaker of the Louisiana House of Representatives, Mr. Lauro, once began a session of the House by bowing his head and giving this prayer. He said: "Dear Lord, may our words today be sweet, for tomorrow we may have to eat them."

I had not thought about that until someone handed me the CONGRESSIONAL RECORD of June 29, 1994, which has the Stokes amendment, and I am reading from the RECORD, that requires the money earmarked for EPA nonpoint-source pollution and certain moneys appropriated for EPA water infrastructure and wastewater treatment grants may not be spent until authorized.

The leading advocates of that fine amendment, which by the way was not opposed by the then Republican minority, but accepted without even having a vote, leading advocates were the gentleman from California [Mr. MINETA], who spoke earlier on behalf of a Stokes amendment today, and the gentleman from New York [Mr. BOEHLERT], who spoke earlier on behalf of a Stokes

amendment today. But the words extraordinarily have changed from June 29 of last year. Last year the gentleman from New York [Mr. BOEHLERT] said the gentleman from Ohio [Mr. STOKES] to his credit had crafted an amendment that makes the appropriation of the Clean Water Act funding contingent upon an authorization, and today the now chairman, the gentleman from Pennsylvania [Mr. SHUSTER], is trying to do nothing more and nothing less than say, "Let's authorize, and then let's appropriate, and let's force the Senate of the United States of America to deliberate, and then in its wisdom craft authorizing legislation as well."

Now there may be a better way to do it, but the opponents of this legislation do not want a better way to do it. The fact of the matter is we do not want to do it at all because the light of day forced by debate will result in changes that are long overdue that are supported by a majority of elected officials.

It was a mistake in my opinion for the leadership of the minority minority in the last Congress not to take the admonition of refraining from oiling up and pent-up hostilities by not voting. Not one of my colleagues got elected on a platform to come here to not deliberate, not vote, and not express their opinions. If they continue that view, I assure them in the next election those who will cast their ballots will cast the ballots for someone who will vote.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, America is watching this Congress to see if its deeds match its promises. It has had a very good record so far but a critical promise we made to the American people was to get Government off their backs. And the EPA, pure and simply, has been one of the major clawholds that Government has maintained on the backs of our constituents.

These riders are about changing EPA's behavior in a way that reducing their funding doesn't. Overall, the question on these riders is: Do you believe the EPA's behavior needs to be changed?

One of the riders this amendment would strike is one that my State and my constituents are very angry about.

The enhanced-emissions testing program, or centralized testing, that EPA has been trying to force feed to our constituents has caused rebellion in the streets. Despite the risk of sanctions and losing millions of dollars in Federal highway funds, many States have taken actions against the complicated, centralized testing scheme because the requirement is misplaced, unworkable, and has little to do with clean air.

But States are in a bind—unless they implement the failed EPA design, EPA will not give full credit to States in their implementation plans.

EPA insists that their centralized design is flawless and that, therefore, credits for the decentralized system must be arbitrarily discounted.

But study after study has confirmed that the EPA is way off the mark in their assertion that the centralized program is any more effective in cleaning the air than a decentralized system: The California Inspection and Maintenance Review Committee concluded that "whether an I/M program is centralized or decentralized has not been an important factor in determining historical I/M program effectiveness"; the Rand Corp. found that, "In terms of program effectiveness, our research finds no empirical evidence to require the separation of test and repair"; the Rand report further found that "a well safeguarded decentralized system, with rigorous State supervision, can be highly effective."

The language in this bill provides nothing more than that—it simply gives States a 2-year test period to demonstrate that their program deserves full credit based on actual emissions reductions, not a computer model that has no relation to real world data.

And let's be clear—including this language here is no backdoor maneuver—the authorizing committee has held extensive hearings on this issue. Sixteen States face sanctions in the next few months. About 30 Members of this House—both Republican and Democrat—have written to the Appropriations Committee urging support for this provision. The relief provided by this language is desperately needed.

It's true that we're cutting EPA's funding and that's important. But these riders send a different message about EPA's behavior and one that I submit is every bit as important.

I urge my colleagues to oppose this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds because I would like to respond to the gentleman from Louisiana [Mr. HAYES], whose remarks were amusing, but hardly enlightening, because he pointed out what he termed hypocrisy.

Let me point out that neither the gentleman from Ohio [Mr. STOKES] nor I object to the provisions in the bill to which he referred, the exact provision of the bill of last year on page 63 of this bill. It says, quote, that appropriations made available under this heading to carry out the purposes of the Federal Water Pollution Control Act, as amended, shall be available only upon enactment of legislation which reauthorizes said act. We know that. We have no problem with it.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I would like to make a comment about who the special interests are that want an "aye" on this vote. They are seniors, they are children, and everybody else in between, that wants safe drinking water, clean water, and clean air to

alleviate the problems of asthma or allergies and all those other things. So those are the special interests that want an "aye" on this vote.

Earlier, Mr. Chairman, someone said this is a back-door strategy to end reform. Well, my colleagues, this amendment is a front-door strategy to continue environmental progress. This amendment is a front-door strategy to separate the problems in the regulatory bureaucracy from clean water and clean air that we accumulated in the last 20 years.

Mr. Chairman, I guess that the members of the Committee on Appropriations are saying to themselves, "Boy, we showed the EPA a thing or two." Under the language in this bill EPA would pretty much be prohibited from enforcing much, if not all, of its laws. It seems that we began in an effort to scale back even reasonable environmental restrictions, and this has turned out to be an all-out huge scare war against environmental protection, and I think that just simply cannot happen.

I guess the great secret of the 1994 election was this. The great secret of the 1994 rollover election was this: Our constituents are furious about clean water. They do not want clean water. They are furious that some of the asthma problems are being relieved by clean air.

We all seem to pay lip service to EPA. We pay lip service to clean water. We all want clean water. But the fact is, where the rubber hits the road, it takes a little more rigorous mental effort to untangle the tangled web of regulations without denying the American public, those interest groups that want clean water. Let us put forth a little more rigorous mental effort.

One other thing. I hate to hammer this point home about how many times we talk about whether or not we should appropriate, use the Committee on Appropriations, to legislate. That is what the authorizing committees are for. All of my colleagues out there that are on an authorizing committee, they are simply giving away their responsibility, totally giving away their responsibility, and to my friend and colleague, the chairman of the Committee on Agriculture, who I work with all the time to preserve agriculture in the United States, I say, "How many farmers have children with asthma? How many farmers have children with allergies? How many people out there depend on good environmental laws to protect their livelihood?" To a large extent we are pitting one job against another job, and we should not do that as Members of Congress.

I urge my colleagues to do the right thing seriously and vote for the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Chairman, the gentleman and my good friend from Mary-

land [Mr. GILCREST] just talked about special interests. The special interests who are looking for some help from this Congress are 30-acre onion farmers, and apple farmers, and grape growers in upstate New York and throughout the Nation. One of these riders would preclude the EPA from enforcing the Delaney clause. The Delaney clause says, and it is a 50-year-old, 40-year-old law, that we cannot have any, zero tolerance, zero chemical residues on our food. It is unenforceable. Director Kessler from the FDA says it is unenforceable. Director Browner sued because she said it was unenforceable. Mr. Espy and Mr. Glickman also agreed on the record that the Delaney clause is unenforceable. What we are saying is do not enforce the Delaney clause.

□ 1215

The Supreme Court upheld a circuit court that says, just because this is in the law you have to enforce it, whether it is unenforceable or not.

There is another issue here. Authorizing committees are supposed to authorize; appropriators are supposed to appropriate. The authorizing committee, the Committee on Agriculture, the committee of jurisdiction, has already marked up a bill. The Committee on Commerce soon will markup a bill. This issue has been held up for years. It should have been resolved years ago.

Now, what does all this mean? What it means is, if a farmer in the district of my good friend and neighbor and colleague, the gentleman from New York [Mr. BOEHLERT], from Canastota is growing onions right now, and they are, and the EPA delicens a pesticide that it licensed 2 years ago under the same standard, it is now going to delicense that pesticide, same pesticide, same minimal negligible risk.

If that farmer cannot use that pesticide on his onions, growing in organic soil, and there is only one chemical application for that disease, he cannot use that pesticide, that disease can wipe out his crop, and he loses everything.

There is no agriculture support program for onions. There is no other course for that farmer than to use that pesticide. This is important. It will be authorized, but in the meantime we have got to respect the growing season, too. I urge a strong "no" vote on this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, to respond to my colleague and friend and neighbor from New York, he is absolutely right with respect to the Delaney clause. That is why through the orderly, open process of the authorizing committee we are going to make the changes he calls for and which I want and are in the best interest of American agriculture.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Chairman, Americans do not want to return to the days of dirty, unsafe water. I rise in strong support of the Boehlert amendment.

In the Portland metropolitan area, which I represent, clean water consistently and overwhelmingly ranks as the top environmental concern of area residents. So important is clean water to Oregonians, they have agreed to spend more than \$750 million to prevent Portland's combined sewer overflows from dumping raw sewage into the nearby waterways.

Oregonians remember the days when the Willamette River, which flows through the heart of Portland, was one of the most polluted rivers in the country. The waters of the Willamette were so choked with pollution that when live fish were put in a basket and lowered into the river to check the water quality, it took only a minute and a half for the fish to die. Oregonians remember the phrase they used as youngsters to describe swimming in the river—the "Willamette River stroke"—a phrase which refers to the fact that they would have to clear a path through the floating sewage debris in the water before they could swim.

Oregonians do not want to go back to those days of polluted waters. And neither do the American people. Americans do not want to see raw sewage floating in the surf when they visit the beach. Americans do not want to worry about their children getting sick from swimming in the neighborhood stream. Americans do not want the fish they catch at their favorite fishing holes to be too toxic to eat. Americans do not want to turn back the clock to the days when polluted rivers would catch fire. And when they got to the sink to get a drink of water, Americans do not want to choke on what comes out of the tap.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Boehlert-Stokes amendment and in opposition to this bill which is an environmental disaster.

Mr. Chairman, this bill is an environmental disaster. In one broad sweep, it strips the EPA of its authority to enforce environmental laws—important laws that ensure our right to clean water and clean air.

Americans have fought long and hard for these sensible and much needed laws. The Clean Water Act and Clean Air Act are vital to protecting public health. But they mean nothing if they cannot be enforced.

Mr. Chairman, we cannot, in a single day, turn our backs on decades of fighting for the public good. We must stand together today and give meaning to environmental protection. We must let all Americans know that this fight is worthwhile. We cannot go backward when we need so desperately to continue forward.

Vote "yes" on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment to one of most fundamentally flawed pieces of legislation that this body has considered in the 7 years I have been privileged to serve.

Mr. Chairman, this bill before us today is by far one of the worst—indeed one of the most fundamentally flawed—pieces of legislation that this body has considered in the 7 years I have been privileged to serve.

Make no mistake about it. This bill will mean more sewage in our waterways, more pollution in our air, and more risks from pesticides in our food.

Mr. Chairman, this is not a partisan issue. I commend those on the other side of the aisle who are speaking out against the bill, who—to their great credit—cannot hold their nose and toe the party line. Why are they doing this? Because their constituents, like mine—regardless of party identification—want clean air, clean water, and food free of deadly pesticides. This bill severely hampers the Government's historic role in ensuring these most basic guarantees.

A 33-percent cut in the EPA's budget is bad enough. But this bill adds insult to injury by loading it up with an array of legislative riders—requested by industrial polluters and other special interests—that will prevent the Agency from doing its job.

I hope the American people are tuned in to this debate. If anyone was still unconvinced of the new majority's assault on health and environmental safeguards, this bill will assuredly dispel them of any lingering doubts.

Mr. STOKES. Mr. Chairman, I yield myself 15 seconds.

Had the gentleman from Louisiana [Mr. HAYES] yielded to me, what I would have been able to say to him was I respected the authorizing process. When I brought my bill to the floor and they had not yet acted, I made my appropriation subject to authorization. The difference is they are legislating and then making the legislation subject to further authorization. There is a real difference there.

Mr. STOKES. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Texas [Mr. WILSON].

(Mr. WILSON asked and was given permission to revise and extend his remarks.)

Mr. WILSON. Mr. Chairman, the majority whip, the gentleman from Texas [Mr. DELAY], my friend, said that the American people wanted us to know they are voting to get Government off their backs.

I submit to you that the American people might have been voting to get Government off their backs, but they were not voting to get arsenic in their drinking water or benzene in the air that they breathe.

If we do not adopt the Stokes amendment, what the effect of the legislation will do will be to stop the EPA from issuing regulations on cement kilns. Some of the more interesting byproducts of cement kilns, as they operate without EPA regulations and without

EPA standards, are the production of arsenic and lead.

For instance, the EPA standard for arsenic is .4 parts per million. The LaFarge Corp., which is a cement kiln, manages to produce 3,300 parts of lead per million. I would point out that it only takes one one-millionth of a pound of lead to seriously impair the health of a child.

I would say, finally, that of the cement kilns in the United States, 65 percent of them are foreign-owned. They are owned in Switzerland. They are owned in Germany. They are owned in France and they are owned in England. I would point out to my colleagues that in none of those countries do they allow the burning of toxic waste in cement kilns. Only in the United States do they allow it.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. KIM].

(Mr. KIM asked and was given permission to revise and extend his remarks.)

Mr. KIM. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I rise in opposition to the Stokes amendment because it undermines the authorization process.

For over 200 years, the Congress has authorized programs and then appropriated funds.

Congress follows this process because it works. And that's what we should do here.

The Chairman of my committee—Transportation and Infrastructure—was right to insist on authorizations.

If we don't require authorizations, then why do we have authorizing committees?

Do we really want to make the authorizing committees irrelevant?

That's exactly what this amendment will do?

I take the work of my committee very seriously.

We should have the opportunity to reauthorize these programs.

If this amendment passes, reauthorization will be put off another year.

Make no mistake—if we don't require authorizations—we'll never do it.

We'll just keep appropriating money and ignoring the authorization committees.

I urge my colleagues to support the process and vote no on the Stokes amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to say that I really do agree with one of the proponents of this amendment that this is about process. The problem is that the processes over at EPA are out of control. The truth of the matter is no one here is for dirty air or dirty water. The truth of the matter is that we all want clean air to breathe, clean water to drink. We all want a healthy environment for our kids and our grandkids.

The problem is though that the EPA in many instances has gone so far beyond either their legal authorization

or, in many cases, as far as cement kilns are concerned, their own regulations. They are, in my judgment, an agency out of control.

We talk in terms of process and should not the authorizing committees have a say in this. I think I have heard the chairman of the Committee on Commerce, the chairman of the Committee on Transportation and Infrastructure, I know the chairman of the Committee on Resources has spoken against this amendment. The chairman of the Committee on Agriculture has spoken against this amendment, and other committee chairmen or subcommittee chairmen will speak against this amendment. There have been hearings on these matters in our subcommittee on appropriations with EPA. There have been hearings in the Committee on Commerce.

There was debate during markup in subcommittee and full committee, and there is obviously a healthy debate going on on the floor of the House today. In a word, what has happened here is, in the EPA, they are an agency whose regulations stifle and throttle American business and who in the name of the Clean Air Act do so much damage to all of us.

I want to address the comments specifically about my friend and colleague from Texas who said incredibly, in my judgment, that cement kilns are not regulated. That, my friends, is just not true. In fact, cement kilns are more stringently regulated in America today than the commercial incineration facilities.

What we are trying to do, at least as part of this regulation, is to make EPA follow the law, the Clean Air Act, and follow their own regulations, nothing more.

Defeat the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of our subcommittee.

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the current provision in title III that deals with the regulation of combustion of hazardous waste and in opposition to the Stokes-Boehlert amendment that would allow EPA to ignore the combustion language.

EPA's activities under the so-called Combustion Strategy have made unfair demands on the regulated community without the proper legal authority to do so. Title III of this bill restricts EPA from spending taxpayer money on requirements that we, as Members of Congress, have not authorized. The language in the bill is designed to ensure fair and effective environmental regulations, which benefit the environment, industry and American workers.

In my district, chemical manufacturers have worked hard to comply with EPA's regulation, but the regulations have been expanded above and beyond what the law demands and requires. The result is increased prices for all Americans without corresponding environmental benefits. Let me reiterate that the language in the bill does not change the law governing the disposal of hazardous waste, but instead it requires EPA to act under the statutory scheme duly authorized by law. It merely demands that EPA follow the rules.

It is no surprise that the language in this bill is supported by a broad-based coalition of chemical manufacturers, fuel processors, industrial boiler owners, building material companies, and labor unions. This bipartisan measure stops the EPA from preselecting outcomes before all of the facts are in. We must demand EPA comply with existing procedures.

By contrast, the Stokes-Boehlert amendment is an attempt to keep the status quo and let bureaucrats run the agency without the consent of Congress. It would render all limitations in the bill meaningless by allowing some environmental groups merely to inform EPA of their opposition in order to defeat the intent of Congress expressed in title III.

Mr. Chairman, the measure in this bill is a good provision and requires that EPA follow the law as intended by Congress. I urge my colleagues to oppose the amendment and require EPA to follow the law.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment. I oppose the addition of these legislative provisions we have talked about, these 17 dealing with important and complex environmental issues to the spending bill.

Let me point out one thing which I really have not heard in this argument today. That is that we are reducing the funding for EPA by 34 percent on top of everything else that we are doing in this legislation. When you combine that with the 17 limitations on enforcement which are the subject matter of discussion of this amendment, you find that EPA is being rendered almost wholly ineffective in the areas of fighting the environmental problems of the United States of America.

This is not regulatory reform but basically an abrogation of our responsibility.

I think back over my experiences as the Governor of the State of Delaware and the various things that we dealt with. One of those was our only oil refinery. We had problems with that oil refinery almost monthly, sometimes several times in the course of months, with emissions standards for toxic air

pollution. Yet that is one of the prohibitions; any Federal help with enforcement of those particular problems would be included in this legislation.

I think about Rehoboth Beach where many people from Washington have gone to vacation, when we actually had to close the beaches because of the storm sewer overflows which occurred there. We also remember another time when we had to almost close the beaches because of sanitary sewer overflows in States to the north of us and having to go along our beaches to do that.

We have been able to cure those problems with the help of the Federal Government. I think about Superfund, the Army landfill in the State of Delaware, the second largest of the landfill problems in the country, which needs to be addressed, which is cut dramatically by what happens in these particular provisions, or the Clean Water Act.

I remember when the Delaware River up near Philadelphia actually caught on fire. We always think of Pittsburgh, but it happened in Philadelphia as well. We had the exact same problem. We have cleaned that river up. In fact, President Bush, when he was campaigning, used that river to demonstrate how you can actually use the Clean Water Act to clean up a river.

I worry about drinking water. Our water in Wilmington, DE, comes down from the Brandwine. It comes down from Pennsylvania, and I remember fighting with towns in Pennsylvania which wanted to build different areas that could pollute and we had to overcome that.

I would suggest to every single Member of this body who is paying any attention to this, which may be the most important amendment that is going to be offered in many a day here in this Congress, to do something right now. Call home. Call your environmental secretaries. Call your Governors. Call your constituents, if you have time to do that before this vote. Find out from them exactly what their understanding of each of these 17 is.

At least read the legislation and understand what these restrictions are. You will understand what I am saying here today. That for the good of America, we must support the Stokes-Boehlert amendment. For the good of America, we must make sure that this is not disguised as regulatory reform but is pointed out for what it is. It is a destruction of our ability to be able to enforce the environmental laws in a proper way of the United States of America.

I agree that EPA needs to be fixed in some ways. But I think just removing all of their ability to carry out any of their responsibilities is the wrong way to go. I would encourage everybody to support this amendment in a few minutes.

□ 1230

Mr. STOKES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. LEVIN].

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, I rise in support of Stokes-Boehlert. If Members do not need any reason other than this, look at the headline from the Macomb Daily a few days ago: Consumers of Great Lakes Fish at Medical Risk. They are talking about a Centers for Disease Control study showing children who eat Great Lakes fish have four times the amount of PCB's and three times more DDT in their bodies, and other factors.

There has been an effort to counteract this in the Great Lakes water quality initiative, to cut the amount of mercury, to cut discharges of lead, to cut dioxin levels. Now we have, tucked in this bill, a plan to begin throwing all that out the window, leaving the Great Lakes at the mercy of those who dump mercury and lead and dioxin into drinking water.

The Great Lakes are an irreplaceable treasure that should be protected. Let us not roll back a decade of progress. Support the Great Lakes. Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise today in strong opposition to the Stokes-Boehlert amendment which would specifically delete clean water reform provisions in this bill that are entirely consistent with the legislation and that has already passed the House of Representatives. The Stokes-Boehlert amendment is an attempt to get the reform that has occurred.

Supporters of the amendment claim the clean water provisions are a "back door attempt to alter environmental policy in appropriations." Nothing could be further from the truth. The House has already passed these provisions—with bipartisan support—through the Clean Water Reform Act. And, this legislation is on track in the other body.

There is nothing "sneaky" in these clean water provisions. They simply restrain the EPA's ability to "sneak through" new guidelines and second-guess operations.

If my colleagues agree that the current regulatory system is a mess and that the Clean Water Act needs to be reformed, the only way to vote is "no" on the Stokes-Boehlert amendment. I urge a "no" vote.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa [Mr. LATHAM].

(Mr. LATHAM asked and was given permission to revise and extend his remarks.)

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the Stokes-Boehlert amendment. This should be a very easy amendment for members of this House who voted overwhelmingly in favor of the Clean Water Act of 1995 to oppose.

This amendment is about the House giving away its leverage to influence the other body and the President.

This amendment is about letting those who are intent on preserving the status quo by inaction have their way.

Adopting this amendment would be a statement by this House that when we voted for risk assessment and cost-benefit analysis we weren't serious.

Adopting this amendment would be a statement that when we voted for wetlands reform we weren't serious.

This amendment is not about protecting against overreach by appropriators. In fact, just the opposite is true.

The limiting provisions in this bill are here at the request of the authorizing chairman and with support of the majority of members of the committees.

If we vote for this amendment, we are taking away power from our authorizing committees, and more importantly we are taking away our own ability to write laws.

If we support this amendment, we make it more likely that unelected bureaucrats downtown will be setting environmental policy in the vacuum that we will create.

Let me say this, even if you didn't support the exact product of H.R. 961, every member of this House should oppose this amendment.

If you believe we need to reform the existing storm water permitting program, vote against this amendment.

If you believe we need sensible wetlands reform, then vote against this amendment.

This amendment empowers Washington bureaucrats at the expense of Congress and the American people.

This amendment maintains federal control so that the "War on the West" can continue.

This amendment rolls back the key reforms that so many of my colleagues in the freshman class came here to make.

To sum up, you can vote for this amendment and give away the House's power to shape regulatory policy.

Or, you can vote against this amendment and remain consistent with out positions on risk assessment, cost-benefit analysis, wetlands reform and private property rights where virtually every member of this House agrees on the need for reform.

Move forward on Clean Water Act reform. Move forward on wetlands reform. Keep this House's ability to write legislation. Vote "no" on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, there is no question that some of our environ-

mental laws need adjustments, but the fact is this bill is supposed to be a budget bill; yet it contains some 30 pages of riders, legislative riders, slipped into this bill, which represents little more than a wish list of corporate polluters all across this country.

This bill, if it is not changed, will stop regulation of raw sewage. It will turn polluters loose to pump toxic chemicals into the air in American neighborhoods. It is a vivid example of the lock hold that corporate special interests have taken on this new Congress.

I would simply suggest to the authorizing chairs that if the gentleman from Alaska [Mr. YOUNG], from the Committee on Natural Resources, or the gentleman from Virginia [Mr. BLILEY], of the Committee on Commerce, or any other person wants to change basic law on environmental questions, then have the courage to bring that to the floor in their own committee bill, face their own committee members who, after all, have the jurisdiction over it, debate it out in the open, and cut the American people in on the deal, instead of slipping it in in an almost undercover fashion in an appropriation bill, which is supposed to decide other questions.

Mr. Chairman, I think what we have here, very simply, is, not just in this bill but in Labor-HEW, in a lot of other appropriation bills, authorizing chairs who do not, apparently, have the courage to bring their changes in law to the floor in their own bills. They are instead trying to slip it into the appropriations process, so they can avoid hearings, avoid public comment, and avoid some opportunity for the public to know what is going on. I do not think that is the way we ought to do business.

I would just urge my friends on this side of the aisle, Mr. Chairman, do not abandon the bipartisan commitment that this Congress has had for years to advance environmental protection. Do not abandon that bipartisan commitment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to pick up on a point my friend, the gentleman from Wisconsin [Mr. OBEY], made. For 40 years, for two generations, the Republicans were in the minority. All during that time we chastised the then majority for legislating on appropriations bills. We complained about the process.

Now we are in charge, and we are doing the very same thing. It was wrong when we were in the minority, it was wrong when the Democrats were in the majority, it is wrong now that we are in the majority. It is simply wrong to deny the people for full and open hearings.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong support of the Stokes-Boehlert

amendment. These riders are an all-out assault on environmental law. It is not to be considered simply reform, but rather, in toto, these would eviscerate environmental enforcement throughout the United States. It is also an abuse of the legislative process.

In my Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, we are beginning to consider one of the provisions contained herein, and that is recognizing State environmental audit legislation. We have not proceeded to any conclusion. We have more questions and comments. In fact, the only consistent element we have found in considering this environmental audit language is the opposition, almost a total opposition, of law enforcement officers throughout the United States. The National District Attorneys Association is against it, the attorney generals of New Mexico, Minnesota, California, Massachusetts, Arizona, New Hampshire, New Jersey, Tennessee, the New Jersey State Attorney General, the New York District Attorneys Association, all these law enforcement officials condemn a rider which is included in this legislation. This is not the way to reform environmental laws in the United States. This is the way to destroy environmental laws in the United States.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. TAUZIN].

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Stokes-Boehlert amendment. The gentleman from Texas [Mr. CHAPMAN] said it. Bureaucrats at EPA are out of control. We have not been in control, either, for many years. The bureaucrats and their environmental lobby friends have controlled this agenda for too long. They have seen to it that for years we could not bring reforms to ESA, reforms to clean water, wetlands regulation, cost-benefit analysis, property rights issues. They and their friends have dictated the agenda in this body for too long, and let me surprise the Members, we are not yet in control.

If Members want to see property rights passed into law, then Members had better defeat this amendment. If they want to see cost-benefit analysis become law, they had better defeat this amendment. If they want to see revisions of wetlands regulations in the clean water, the litigation mess we have created in Superfund reform, if they want to see a decent ESA Act passed, Endangered Species Act passed, reform; if they want to see any of these laws, they had better vote against this amendment. This bill is our only chance to control the bureaucrats out of control.

Why? Because if we do not control their money, they control the veto pen. The President has promised a veto on



property rights. He has threatened a veto on clean water. He has already, and his friends, delayed consideration of cost-benefit analysis regulatory reform. I urge Members to vote against this amendment if they want any of these things done. It is our only chance to control the agenda.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment, which strikes provisions in the bill that restrict or eliminate the Environmental Protection Agency from enforcing guidelines that are authorized under existing environmental laws, like the Clean Air Act and the Clean Water Act. This bill limits the EPA's ability to enforce important provisions of the Clean Water Act. It inhibits the EPA's ability to address critical stormwater runoff and raw sewage overflow problems. It halts the agency's advantage to control industrial pollution.

In Connecticut, this bill would allow raw sewage to continue to pour into local waters from outdated or inadequate sewage treatment and collection systems. Stormwater controls would be eliminated for many urban areas. The result would be widespread degradation of water quality, which would threaten our State's commercial and shellfish industry.

This bill is an environmental travesty. It is a special interest and a polluter's dream. As a result, there will be less environmental protection and increased risk to public health in communities all across this great Nation of ours. Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I rise in opposition to this amendment and this attack on the clean water revisions. I want to say that the revisions that we came out with were really done in a bipartisan fashion. The bill was introduced on an eight to eight basis, eight Democrats and eight Republicans. What this debate is really about is the question of whether Washington will continue to dictate, Washington will continue to regulate.

There have been many misstatements about what we do in the bill. I want to say also that the people that are on this side of the issue care about the environment. We want clean water. We want clean air. However, after 20 years, we have seen mistakes. Let me give an example of what we do. Under current law, we classify dry riverbeds in the West as fishable-swimmable. The gentleman from Louisiana [Mr. HAYES] pointed out a parking lot in the Sands Hotel in Las Vegas which required wetland permitting. We require in Alaska and Anchorage fish guts dumped in to comply with ridiculous regulations.

We are asking for, No. 1, flexibility, No. 2, common sense, and No. 3, for rea-

sonableness. We keep Federal standards, we allow local and State flexibility and responsibility, and we say we can do a better job with less. Our reforms are endorsed by almost every State and local group.

Finally, we are only asking that we bring reasonable, again, common sense to a process that has really grown out of control. Let me say also, I served on the committee that oversaw the question of cement kilns and regulation. We had folks come to us who could have made those changes a long time ago.

□ 1245

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON], a leader in the environmental movement in the Congress and in the Nation.

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Chairman, I support the Stokes-Boehlert amendment. I think the way this bill is written simply stated, plays Russian roulette with our country's future, with both the health of our economy, and, as has been pointed out here several times, the health of our people as well.

Let me talk for just a minute about the relationship that I see and that many other Americans see between the health of our environment and the health of our economy because I think it is very important.

In March of this year the Times-Mirror magazine did a national survey of 1,003 people, and the second question they asked was this: "Most of the time do you think environmental protection and economic development can go hand-in-hand, or that we must choose between environmental protection and economic development?" Sixty-nine percent of those people responded that economic development and environmental protection go hand-in-hand.

That is because there is a very close relationship, because the way people perceive the environment and the economic activities they are willing to partake in that environment are very closely related. In other words, if it is bad for my health, I will avoid that area that is polluted.

That makes perfect sense to me, and, therefore, we need the provisions that exist in current law without this bill in order to continue to protect the environment and provide for an environment in which economic growth will take place.

I speak from some experience. As all of you know, I represent a large section of the New Jersey shore. In 1987 and 1988 we had an historic economic slump that was directly a result of bad ecological policy. We had algae buildup not just in New Jersey but on the shores of Long Island as well. We had red tides and blue tides and green tides. We had sewer sludge dumped offshore. We had medical waste on our beach. We had all kinds of wood burning offshore.

People did not visit the shore. It was just that simple. Our economy went into the basket with the environment.

I listened to the gentleman from Syracuse here a few minutes ago, who is a good friend, and it reminded me of when I was a young boy and I used to go to the Finger Lakes to visit my uncle. One summer I went up there and he said, "You cannot eat the fish or go in the water." I said, "Why not?" He said, "Because the farmers who grow grapes on the hills surrounding these lakes have used too much DDT over the years and it has washed into the lakes and the fish are contaminated and they are trying to determine whether or not it is safe to go in the water."

Do you think that caused degradation to the economy of the area? You bet it did.

In the Chesapeake Bay a few years ago we determined that in the upper reaches of the Susquehanna River, in both Maryland and Pennsylvania, there was a large amount of runoff that came from overuse of fertilizers and pesticides and herbicides by farmers. When the crustaceans and the rockfish and the oysters went away in Chesapeake Bay, do you think that degraded the economy? You bet it did.

This is a close relationship. My Republican friends care about the environment and care about the economy as well.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in strong opposition to the Stokes amendment. We simply should not undo and undermine our Clean Water Act, H.R. 961, by adopting this amendment. We passed it by a large bipartisan majority, 240 to 185. We beat down weakening amendments time and time again. It was openly and publicly debated at length, and this amendment would destroy those reforms.

Let there be no doubt it will destroy the reforms that this House adopted in our Clean Water Act. We should not fund unauthorized programs, but we especially should not fund unauthorized programs that do not work, that are broken.

The current Clean Water Act does not work. One example: The wetlands provisions, which started in 1972, is a very narrow regulatory program, now regulates over 75 million acres of privately owned property.

Mr. Chairman, there is precedent for what we are doing. In the last Congress we included similar language to fence in funds until the Clean Water Act was reauthorized. We are doing that again and we should do it.

We can and we should, by rejection of this amendment and passage of the VA-HUD appropriations, nudge, drive, push the Senate and this Congress to a responsible reauthorization of the

Clean Water Act. So let us reject regulatory excesses by rejecting this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, it is a privilege to serve in Congress. I get up every morning praising the Lord that I have this opportunity. I thought when I was in the majority I would feel even more special about it, because I thought we would not do it the way Democrats did it, legislate in appropriations bills and do a number of other things that I have been critical of for so long that Democrats have done. We are doing it. We are no better. I know it because I see it here.

It is one thing to say that we want clean air and we want clean water, but we just cannot say we want it, we have to have legislation that makes it happen. We cannot say in this bill it is reform. We are not reforming it, we are eliminating it.

What I find particularly immoral is we have laws on the books that people have to abide by, but we are saying that EPA cannot enforce them. I have trouble with legislation that is cutting 25 percent from HUD, which we have rectified in some way, at least rescued part of it. We are cutting 34 percent from EPA. We are being gentle, in my judgment, with NASA. We are saying the veterans do not have to weigh in in any way to help get the financial house in order.

We are gutting EPA and gutting environmental laws, and let us not call it any different than that. I am looking at Republicans because that is where it is at. We are doing it, and we are going to be held accountable, and it is not going to be pretty the next election on this issue.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding me the time.

Mr. Chairman, this bill is chock full of the most egregious overreaching legislative provisions we have ever seen around here, that would gut clean air, gut clean water, gut wetlands enforcement, and many, many other things that are essential to the protection of our environment, our air and public health.

This amendment which I strongly support would take this bill and the many pages of legislation affecting these important environmental protections and tear it out. That is exactly what we ought to be doing. They have no place in this bill, and they run absolutely counter to the opinions and the will of the American people who have not said do less to protect our air and our water and environment but to do more.

What do we get from the new majority party? An absolute grinding to a halt of the essential protections for the American people and their concerns

about their air, their water and the state of health of our environment.

It is a travesty, it should not be permitted, we should vote for the Stokes-Boehlert amendment.

Mr. Chairman, I strongly support this amendment, which would remove from the bill the numerous restrictions on the Environmental Protection Agency's ability to do its job.

The provisions that this amendment would remove represent an outrageous abuse of the legislative process, including the rule against legislating on appropriations bills. The intent and effect of these provisions are to undermine enforcement of the Clean Air Act, the Clean Water Act, and other laws for the protection of our environment, our lands, and our health.

One of these restrictions even goes so far as to prohibit any action by EPA to protect any wetlands. I recognize that there is considerable controversy and debate about wetlands protection—which lands should be counted as wetlands, and what level of protection they should receive. But I don't think there is any serious support for the idea that no wetlands should receive any protection. Yet that is what will happen if this language remains in the bill and becomes law.

That's just one example, but it makes the point. If we leave these restrictions in the bill, we will be telling the American people that the opponents of this amendment are ready to sacrifice all protection of wetlands just to score a political point, and ready to abuse the legislative process in an attempt to influence debate on authorizing legislation.

Mr. Chairman, the pattern could not be clearer. Just take a look at these restrictions—page after page of regressive, anti-environmental and underhanded provisions. It's no wonder, Mr. Chairman, that Carol Browner, the EPA Administrator, has concluded that this represents "an organized, concrete effort to undermine public health and safety and the environment."

If anything, Mr. Chairman, that understates things. The American people need to know what is going on. They need to know that this new Republican majority is determined to undermine the progress we have made in the last several decades in protecting our environment, progress that the American people are proud of and want to see continued.

Mr. Chairman, the American people know that we need to do more, not less, in this area. For instance, two new studies this year tell us that 53 million Americans are drinking tap water that is below standards. What is the response of the new majority in this Congress to this? To do more to clean up the Nation's water? No. The Republican response is to come up with eight different legislative riders to undermine the Clean Water Act and the Safe Drinking Water Act. Hard to imagine.

This Republican sneak attack on the environment should not and will not go unopposed. The American people did not vote last November to roll back 25 years of environmental progress. They did not vote for more pollution, or for backhanded legislative shenanigans to undercut environmental standards just to satisfy the greed and the access paid for with campaign contributions from many industrial polluters.

Unless this amendment is adopted, and these offensive and improper provisions removed, and the bill otherwise substantially im-

proved, it should not be passed by the House and, if it reaches his desk, it should be vetoed by the President.

Mr. Chairman, at my request the Environmental Protection Agency has provided me with information about the effects of this bill on EPA's activities in Colorado. I will submit that information for inclusion in the RECORD, for the information of our colleagues and especially for the information of the people of our State. In summary, EPA states that this bill as it now stands "would result in serious public health, environmental, and economic impacts for Colorado and other States."

Of particular concern to me in the possible adverse impact of the proposed reduction in funding for implementing the superfund law [CERCLA] as it applies to the Rocky Flats site, in my congressional district. Regarding that, EPA says:

A cut in CERCLA would cripple EPA's current efforts with DOE and the State to negotiate the new cleanup agreement, further delaying the stabilization and cleanup of plutonium and other hazardous materials at the site.

This is very disturbing to me, Mr. Chairman, and I submit it should be equally disturbing to all other Members whose districts include sites or facilities covered by Superfund.

The information from EPA is as follows:

INFORMATION PROVIDED BY ENVIRONMENTAL  
PROTECTION AGENCY  
COLORADO

The massive budget cuts proposed for EPA's enforcement and compliance assurance program will have drastic across-the-board effects on the Agency's ability to address real risks to the people and environment of Colorado through traditional enforcement actions, and through our efforts to expand compliance assistance-related activities to those business sectors who have the greatest need, and whose non-compliance poses the greatest problems.

*Compliance Assurance Builds Capacity for Compliance by the Regulated Community:*

EPA's compliance program includes inspections, assistance to the regulated community through workshops, training, and new initiatives such as industry-based compliance service centers and incentives for voluntary auditing, data systems that help set priorities based on risk and patterns of noncompliance, and support for state programs.

In FY 94, 803 facilities were inspected in Colorado, and 222 enforcement actions taken. These inspections and actions are necessary to ensure that the people of Colorado are protected from the dangers of pollution. Major budget cuts in EPA's compliance assurance program will severely undercut the number of federal and state inspections conducted annually and creates a substantial risk to public health and the environment from unchecked violators. In addition, a vigilant compliance monitoring presence serves as a strong deterrent to possible violations which disappears when the monitoring program is severely curtailed.

The substantial reduction of funding for compliance assistance and outreach activities places a far greater economic burden on industry and businesses to acquire the necessary information on their own to achieve regulatory compliance. The vast majority of all monitoring and inspection activities are conducted by state programs made possible through federal funding. Such massive funding cuts mean that state programs will have to absorb these functions into their own limited budgets or eliminate them altogether.

### *Enforcement Actions address Significant Risks:*

EPA's civil, administrative, and criminal enforcement program also targets those polluters which pose significant risks to the people of Colorado and its environment. The proposed cuts of over 50% to EPA's enforcement and compliance assurance program will essentially dismantle its ability to provide the protections that citizens expect and deserve from the environmental laws. The following are examples of actions that the EPA brought in Colorado which would have been severely impacted by the proposed budget cuts:

In Parker, Colorado, Metrex Research Corporation produced and sold sterilants for invasive medical equipment. EPA tests showed that these sterilants were ineffective. Ineffective sterilants can cause infections to be passed from one patient to another. As a result of EPA's action, two of the Metrex sterilants have been removed from the market, and instructions provided with the others advise purchasers to use them for longer periods of time and at higher temperatures. As a result of this action, people undergoing medical treatment are no longer exposed to potential sources of infection from medical equipment treated with these ineffective sterilants.

The ENRON Corporation, a petroleum refinery in Colorado, exceeded lead standards for gasoline which they produced, potentially increasing airborne lead levels. Airborne lead causes neurological, reproductive, kidney, and gastrointestinal damage, as well as brain disease, colic palsy, and anemia. As a result of EPA's action, ENRON has reduced the level of lead in their gasoline, and worked with EPA to develop nationally significant research studies involving the causes of air pollution.

### *Federal Facilities Need Attention in Colorado:*

Federal facilities in Colorado are also significant sources of pollution, and EPA's enforcement and compliance assurance program will not be able to ensure that they are fully inspected, and that their pollution is safely cleaned up, with the proposed budget cuts.

EPA and delegated States are statutorily required to conduct annual compliance evaluation inspections the all major Federal facilities which treat, store or dispose of hazardous waste pursuant to the Resource Conservation and Recovery Act as amended by the Federal Facility Compliance Act of 1992. In the State of Colorado, there are approximately 4 Federal TSD facilities which receive these annual inspections. EPA and the states' capacity to conduct these important inspections would be severely limited by the proposed cuts to our compliance and enforcement program and this could have an adverse impact on human health and environment in your state. Some major Federal facilities in your state which may not receive these hazardous waste compliance inspections include US DOE Rocky Flats Plant, US Army Fort Carson, and US Army Pueblo Army Depot.

### *Superfund Cleanup in Colorado would be Negatively Affected:*

The Superfund sites on the National Priority List in Colorado include: Rocky Mountain Arsenal, Air Force Plant PJKS, and DOE's Rocky Flats Facility.

DOE's Rocky Flats Site began operation in 1952. The site's primary mission until 1992 was the production of plutonium triggers and other components for nuclear weapons. Located about 16 miles from downtown Denver and Boulder directly upstream from two major drinking water supplies; Rocky Flats has the nation's two most vulnerable buildings due to the improper storage of over 14 tons of plutonium. Manufacturing operations

and disposal practices have resulted in extensive environmental contamination from the release of hazardous and radioactive wastes. As a result of numerous criminal environmental violations, FBI and EPA agents raided the site in 1989 and later assessed the site's contractor with \$18.5 million in fines.

In 1989, the site was listed on the NPL and in 1991 EPA, DOE, and the State of Colorado signed a CERCLA IAG. In 1992, the site mission changed from production to waste management and cleanup. EPA and the State of Colorado are in the midst of negotiating a new CERCLA IAG to promote stabilization of the plutonium and cleanup of the site, reduce costs through improved project management, and avoid litigation. In light of the close proximity of this site to the Denver-Boulder metropolitan areas, cleanup of the site is crucial. Currently, CERCLA is the only law that provides for external regulation of the cleanup of radionuclides at DOE sites. A cut in CERCLA would cripple EPA's current efforts with DOE and the State to negotiate the new cleanup agreement further delaying the stabilization and cleanup of plutonium and other hazardous materials at the site. In effect, DOE would become self-regulating regarding cleanup of radioactive wastes at the site.

Established in 1942, the 6,500 acre Rocky Mountain Arsenal site has been used by both the Army and private industry to manufacture, test, package, and dispose of chemical products, warfare agents, and munitions including rocket fuels, pesticides, nerve gases, mustards, and incendiary munitions. The site is located in Adams County, 10 miles northeast of downtown Denver. The site has been described by courts as "one of the worst hazardous waste pollution sites in the country" due to extensive soil and groundwater contamination from over 750 different hazardous wastes spilled or improperly disposed of in several areas. Three plumes of contaminated groundwater migrated offsite before intercept systems were installed contaminating local wells and forcing EPA and local authorities to provide residents with bottled water.

The site was listed on the NPL in 1987, and in 1989 a CERCLA IAG was signed between EPA, the Army, and other stakeholders. The State is a regulator under its State RCRA authority. Under the proposed CERCLA and EPA budget cuts, EPA would no longer be able to provide adequate technical and regulatory oversight or coordinate with the Army, the State, and the public to establish site priorities and initiatives to streamline and reduce cleanup costs. Ultimately, cleanup efforts would have to be drastically curtailed or halted to take into account EPA's diminished regulatory role.

### IMPLICATIONS FOR THE STATE OF COLORADO

In its present form, the 1996 House Appropriations bill for the U.S. Environmental Protection Agency would result in serious public health, environmental, and economic impacts for Colorado and other States. This bill would reduce overall Agency funding by more than one-third, crippling State and EPA programs that help to ensure public health and environmental protection. The State/EPA partnership would be further damaged by riders which would prevent or delay progress in solving some of our highest priority problems. Specifically, the bill would have the following impacts for Colorado communities:

Colorado communities would lose: \$2.9 million compared to the President's proposal to help finance wastewater projects; \$1.3 million to help address polluted runoff—the State's most serious source of water pollution; \$24 million for low-interest loans to help provide safe drinking water (the bill in

combination with the 1995 rescission bill completely eliminates the President's \$1.8 billion investment for safe drinking water projects)

In total, millions of dollars that would help finance clean water infrastructure, manage essential water programs, and protect the overall quality of life for the State's citizens would be lost.

Funding for monitoring and standards programs would be eliminated or severely curtailed, limiting the State's ability to assess local conditions for public and ecological uses, issue wastewater permits to local governments and industries, and move towards more site-specific and flexible watershed protection approaches.

Currently, 12% of assessed rivers and 8% of assessed lakes fail to meet State designated standards for fishing, swimming, and other uses. Budget cuts and programmatic restrictions would increase the number of waters unable to meet these standards.

### Colorado examples:

The Colorado Water and Power Authority has taken the necessary steps to establish a Drinking Water State Revolving Fund to make low interest loans to communities which need to improve their safe drinking water systems. The loss of the drinking water loan program will force a number of communities to seek other—more costly—financing. Higher costs will be passed on to their customers.

The proposed bill would eliminate the state's ability to use EPA funding to fund wetland studies to protect wetland resources despite local support for such protective measures. For example, San Miguel County used EPA funds to identify important wetlands. Because the County believed that further wetlands losses were unacceptable, they then increased protection of wetlands in the County. The County ordinance has served as a model to many counties who are pursuing similar goals for wetland protection. Also, Park and Summit Counties have expressed interest in pursuing wetlands measures, but could not use EPA funding. Several other counties are currently using wetland grant funding from EPA to inventory wetlands, and these funds would not be available if the House Appropriations bill is enacted.

Colorado may lose federal funding for water quality monitoring. State officials use this data for determining when fish are safe to eat and when swimming can be allowed without danger.

### COLORADO—SUPERFUND IMPACTS

The House mark does not provide funds to begin any new projects, either Fund or Responsible Party lead. At least 1 construction project slated to begin in Colorado in FY 96 would have to be delayed. A synopsis of these projects follows:

### SUMMITVILLE—SUMMITVILLE MINE

The Summitville mine site is located in the mountains of southern Colorado. Bankruptcy and abandonment by the gold mining and gold recovery operators resulted in potential release of catastrophic amounts of heavy metals and cyanide to the nearby stream. EPA emergency actions have prevented those dire consequences. Fish kills have been reported from Wightman Fork, the receiving stream, to the Terrace Reservoir, approximately 20 miles downstream from the site. Terrace Reservoir water is used for irrigation by San Luis Valley farmers. Current plans call for consolidation and capping, biological treatment, and reclamation. Some of this work will be done using existing available funds. If the remaining work is not funded and the significant water treatment that continues to be needed in the long-term ceases, the contaminated water will be released, severely impacting stream-life and agricultural uses.

## COLORADO—REFINERY AIR TOXICS IMPACT

The refinery air toxics rider creates a unique "loophole" for a single industry, undermining the air toxics program Congress established in the 1990 Clean Air Amendments. Nationally, the health and environmental impacts of this action will be significant—4.5 million people face elevated risks of cancer and other health problems from these facilities. In Colorado, there are two refineries which emitted 193,319 pounds of toxic air pollution, according to information submitted by the facilities themselves to EPA's Toxic Release Inventory.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I am grateful to the strong bipartisan majority which has brought, finally, some reform to this area of clean water and tried to rein in the gross abuses of bureaucratic agencies like the EPA. This amendment is a direct assault on that effort to bring reform. Many of the people who are supporting this amendment opposed us tooth and nail when we tried and successfully did pass the Clean Water Act off the floor of the House.

We have been attacked as being special interests. I chaired a task force, the wetlands task force of the Committee on Resources. I invite the Members to get its report. This is full of the so-called special interests, and who are they? They are the property owners, the farmers, the ranchers, the business people, the church people, all of whom have been negatively and unfairly impacted by agencies such as the EPA.

Let me just cite one example of the so-called special interests that we heard from. Nancy Klein, mother of five. She and her husband bought a farm in Sonoma County, 350 acres. For the crime of farming, they came under criminal scrutiny of the EPA.

Let me just quote from her so Members can get the flavor of this:

The FBI and the EPA interrogated our neighbors, acquaintances, strangers. They asked if we were intelligent. They asked about our religion. They asked if we had tempers. They asked how we treated our children. For 11 months, the squeeze continued. Our property was flown over by military helicopters, Federal cars monitored our home, and our children's schools.

The EPA is abusing its authority. Oppose the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. I thank the gentleman for yielding me the time.

Mr. Chairman, this is not a debate about protecting the environment, because we are all concerned about protecting the environment of this great country. But this is a debate about the aggressive tactics of EPA relating to new regulations and enforcement of those regulations with little regard to the cost or the benefit of the regulation.

Whenever I go back to western Kentucky in my district and visit with

small farmers, coal operators, businessmen, large and small, all of them plead to get EPA off their back and for EPA to be more balanced in its approach.

Last July, EPA proposed additional standards to control emissions of air pollutants for refineries. The industry went in and tried to work with them to reach an agreed regulation and standard at a reasonable cost. EPA was not satisfied and decided to proceed with maximum achievable control technologies.

I want to talk for a moment about the facts of that technology. First of all it is based on emissions data that is 15 years old. It will cost the refineries in this country between \$77 million and \$110 million a year. EPA's own regulatory impact analysis characterized the benefits of this technology as minimal. Even the Department of Energy is saying, if you introduce these new standards, the benefits will be minimal.

I would urge my colleagues to oppose this amendment and adopt a more reasonable approach for EPA.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. I thank the gentleman for yielding me the time.

Mr. Chairman, I find it quite interesting that the same people who are proposing this amendment were not down on this floor just a few days ago yelling and screaming about legislating on an appropriations bill when we appropriated money for the Endangered Species Act which ceased to exist in 1992 and has been kept alive solely by the appropriations process.

Nor were they on this floor yesterday complaining about the Coastal Zone Management Act which has expired and is being kept alive by the appropriations process.

Again I think what we are witnessing here today is exactly what led us into this problem to begin with. That anytime that a Federal agency wants to do something, when an out-of-control bureaucracy like the Environmental Protection Agency, which in my district has decided it would be a great idea to tell people they can only drive to work 4 out of 5 days—

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I rise in very strong support of the Stokes-Boehlert amendment.

□ 1300

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I rise today in support of the bipartisan Boehlert-Stokes amendment and against those provisions in H.R. 2099 which threaten human health and the environment.

I support the goal of reforming our regulatory system and voted for many of the regulatory reform provisions contained in the Contract With America. Today, however, we considered an appropriations bill loaded with far-reaching legislative riders that prohibit the EPA from enforcing key environmental laws like the Clean Water Act.

One of the most onerous riders will prohibit EPA from spending funds to enforce its stormwater permitting program. In southern California, stormwater or nonpoint source pollution is now recognized as the major threat to Santa Monica Bay. Without effective enforcement, stormwater will continue to pollute the bay—resulting in harm to the coastal environment and to the local economy by keeping tourists away from our beaches.

Additionally, the bill prohibits EPA from implementing and enforcing its wetlands permitting program. Over 90 percent of California's wetlands have already been lost—we cannot afford to let those remaining—like the Ballona wetlands in Playa del Rey—slip away as well.

We must be able to get together on a bipartisan basis to craft fair regulatory reform. We need hearings, authorizing legislation and good, healthy public debate on the issues. Legislative riders on appropriations bill were not part of the voters' mandate last November.

We can always do regulation better, but we can't afford to turn our backs on human health and the environment. I urge my colleagues to adopt the Boehlert-Stokes bipartisan amendment—our future depends on it.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I want to speak about one rider that would be stricken by the Stokes-Boehlert amendment, the inspection and maintenance rider.

Mr. Chairman, right now, EPA wants to institute for northern Virginia a State-run-test-only regime for auto emissions inspections. Currently, we have 900,000 auto emissions tests conducted annually in northern Virginia at 375 service stations.

What does the EPA want to do? They want to take these 900,000 tests and, instead of 375 privately run inspection stations, move them to as few as 12 State-run inspection stations. It means long lines, inconvenience, small service station workers out of work; but more importantly, what happens if during these inspections there is something wrong? Seventy-five thousand motorists failed last year. They will have to drive that dirty car to another place, get it repaired and drive it back again. How in the world does this help clean air?

The Commonwealth of Virginia has been working with the EPA for the last 2 years to try to work out this agreement, and EPA remains inflexible on this issue.

Mr. Chairman, I would love to wait for the authorization. We cannot wait; they are threatening to take away our highway money. This rider needs to stay in.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to reluctantly oppose the gentleman from Virginia [Mr. DAVIS], but to enthusiastically endorse the amendment being offered here today.

Mr. Chairman, I consider myself a pragmatist and someone who tries to look for the middle ground on issues, whether it is environmental safety versus job creation, or worker rights versus the rights of the company management. In this case, I ask my colleagues on the Republican side to look carefully at what we are doing here.

Mr. Chairman, some of these riders may, in fact, be very valid. I am not here to speak against all of the provisions, but I can tell my colleagues that some of them, to me, on the surface and substantively are very egregious. We should move very carefully on this amendment.

I say to my colleagues on the Republican side, everyone is watching this vote, their Governors, their local officials. In my State, it is going to devastate some positive impacts being made on clean water, on sewage discharge.

I would urge my Republican colleagues, please look carefully at this vote, and support the amendment offered by the gentleman from New York [Mr. BOEHLERT].

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I am the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce. I have held 8 hearings in my subcommittee this year alone on the Clean Air Act amendments of 1991. That is an average of over one hearing a month on that one act which has six titles.

There is one title in that act that has, in one section, over 27 subsections that we are holding hearings on. All of the amendments that are in the appropriation language that the gentleman from Ohio, [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] are attempting to strike have been reviewed at staff level by the Committee on Commerce staff and we do support that these amendments be in this bill.

We know that the authorizing committee needs to act, and we fully in-

tend to act, but we simply yet have not had time to go through the complete record on just for example the Clean Air Act alone.

Mr. Chairman, my colleagues might be interested to know that one of the things that the language in the bill of the gentleman from California [Mr. LEWIS] is attempting to delay implementation of is a maximum achievable control technology standard for refineries that the EPA is under court order to have ready to release today, July 28, 1995.

Mr. Chairman, they have to release it today, because they got a 60-day extension back in May. They are not going to be ready. They have said they are not going to be ready. My colleagues may be interested to know that there is an arsenic and a radon standard that EPA is supposed to implement this year that they are not going to be able to implement.

This language simply gives us time to review the act to make these changes possible. Vote "no" on this amendment.

Mr. Chairman, I rise in opposition to the amendment.

The Oversight and Investigations Subcommittee of the House Commerce Committee, which I chair, has held a series of hearings on EPA's implementation of the Clean Air Act amendments. In our examination of the act, we have covered many of the issues that are the subject of discussion today. For instance, on March 16 of this year, a hearing was held on employee commute options. On March 23 and 24, hearings were held on inspection and maintenance programs. A hearing was held on the operating permits program on May 18. And hearings on the hazardous air pollution program were held on June 29 and July 21.

In every one of these cases, witnesses testified that either changes were needed to the Clean Air Act itself, or changes were needed in the implementation of the act by EPA. For instance, in the area of inspection and maintenance, the subcommittee heard scientific evidence questioning the validity of the so-called 50-percent discount for decentralized programs. In addition, State representatives from Texas, Georgia, Pennsylvania, and Virginia criticized EPA's heavy handed approach in pushing centralized testing. A State representative from Georgia testified that for States, it is EPA's way, or the highway, that is, no highway transportation funds if States do not adopt centralized testing.

Likewise, a hearing on hazardous air pollutants, indicated overstepping by EPA in the development of the hazardous waste combustion MACT. In that hearing, EPA testified before the subcommittee that maximum achievable control technologies are to be established based on control technologies from existing sources. Yet testimony established that EPA is not developing MACT standards for hazardous waste combustion from existing sources.

At other hearings, testimony was heard concerning how inflexible the act and EPA has been in regards to the operating permit program, employee commute options, refinery MACT and other issues. Therefore, I believe a solid record has been established that these changes need to be made.

Unfortunately, because of deadlines imposed both by the Clean Air Act and by EPA, some of which are even now beginning to fall, we do not have the luxury of year-long deliberations over legislation. Let me add that I intend to address these issues and others that are just as important but not as time sensitive in legislation this fall.

However, because the MACT for refineries has a court ordered deadline of July 28, action later this year may not be timely. Similarly, the MACT for hazardous waste combustion is scheduled to be proposed in September of this year. Companies may begin to comply with these standards before changes can be made. As for inspection and maintenance, even today, many States are potentially subject to sanctions. In the next several months, many will be forced to make decisions on the types of inspection and maintenance programs they intend to implement. The proposed provision in the bill will help clear up confusion States have over what type of inspection and maintenance program they can propose, and allow States to begin to move forward.

For these reasons, I urge my colleagues to oppose the amendment.

I also provide the following additional comments.

#### EXPLANATION OF RIDERS AND LEGISLATIVE LANGUAGE AFFECTING COMMERCE COMMITTEE JURISDICTION IN VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS BILL

##### I. RADON AND ARSENIC IN DRINKING WATER

The appropriations language provides that none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing a national primary drinking water regulation for radon and other radionuclides: Provided further, That none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing any proposed national primary drinking water regulation for arsenic.

##### Background

Under the Safe Drinking Water Act Amendments of 1986, EPA was required to regulate 83 specific contaminants in drinking water, including radon and arsenic, by June 1989. EPA has issued regulations for nearly all of the specified contaminants, but not for radon or arsenic. As described below, these contaminants have presented particular problems for the regulators.

Radon.—While radon can enter a home through drinking water, most radon in homes comes from the soil beneath the foundation of the dwelling. Nonetheless, the Safe Drinking Water Act requires EPA to regulate radon in drinking water. The costs of controlling radon in drinking water are high; each source of groundwater must be equipped with an aeration device that separates the radon from the drinking water. The benefits, however, are usually considerably lower than the costs because most radon in homes comes from sources other than drinking water.

Congress has adopted appropriations language prohibiting EPA from issuing a radon regulation for the past three years. It is appropriate to continue this prohibition for another year while the Commerce Committee takes a careful look at this issue in the context of reauthorization of the Safe Drinking Water Act.

Arsenic.—EPA's existing standard for arsenic in drinking water is 50 parts per billion. However, EPA is required by the Safe Drinking Water Act Amendments of 1986 to revise this standard. In fact, EPA is under a

November 1995 court-ordered deadline to issue such a proposed standard.

There are, however, a number of uncertainties in our understanding of the health effects of arsenic. EPA has concluded that there is a need for additional time to gather additional information on the potential health benefits of regulating arsenic and on potential treatment technologies before proceeding further with these regulations.

Indeed, in the bill to reauthorize the Safe Drinking Water Act which passed the House last year, both Republicans and Democrats agreed to extend the statutory deadline for revisions to EPA's arsenic standard to give EPA more time to understand the health effects of arsenic.

Therefore, it is appropriate to use the VA, HUD appropriations bill to prohibit EPA from revising its arsenic standard until the Commerce Committee has had an opportunity to review this issue in the context of reauthorization of the Safe Drinking Water Act.

## II. EMPLOYEE TRIP REDUCTION

The appropriations bill provides that: none of the funds appropriated under this heading may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act, as amended, shall not apply with respect to any such requirement.

### background

The Employee Trip Reduction Program (ETRP or ECO ("employee commute option")) is required by the 1990 Clean Air Act Amendments. The law applies to the nine smoggiest cities in the United States and requires employers with more than 100 employees in those areas to develop plans that will reduce employee's average vehicle occupancy (AVO) during commuting time by 25 percent.

On March 18, 1995, the Oversight and Investigations Subcommittee held a hearing on ECO. The Subcommittee received testimony from employers and States which are subject to the requirement. Most of the testimony was critical of the requirement; several witnesses testified that the costs of developing and maintaining such programs far exceeded the benefits, *i.e.*, reduced air pollution.

EPA defended the program as necessary to reduce total "vehicle miles traveled" (and hence, air pollution) but said that it would require States and employers to make only a "good faith effort" for compliance. EPA's commitment to use prosecutorial discretion, however, would not protect a State or employer from a citizens' suit under Section 304 of the Clean Air Act. Chairman Barton asked EPA to consider whether legislative changes to the ECO program are required.

As a direct result of the March 18, 1995, hearing, EPA convened a "working Group" to assess ECO. This group met twice and then issued a report to the Clean Air Act Advisory Committee (CAAAC). The report was largely accepted by the CAAAC and then referred to EPA for action. The report called for several efforts to increase the "flexibility" of the ECO program but did not address whether the ECO program requires legislative changes.

On July 11, 1995, EPA wrote to Chairman Barton to announce its implementation of the CAAAC recommendations. EPA agreed to allow "regionalization" of the program at the behest of a State, to only require good faith efforts for compliance, to allow more flexible credits and to allow seasonal rather than full year ECO plans. Additionally, EPA accepted an "emission equivalency" proposal (albeit with some important distinctions discussed below).

Appropriations bill language.—The FY96 VA, HUD appropriations bill contains lan-

guage that prohibits EPA from spending any money to "impose or enforce any requirement" that a State implement ECO. The appropriations bill also provides that Section 304—which authorizes citizens' suits—shall not apply to the ECO program. Thus, the language seeks to bar EPA from enforcing trip reduction requirements against a state (through an applicable State Implementation Plan or through the sanctions afforded under the CAA) and against an employer (for violation of an employer's duties to implement the program under the CAA). Additionally, the language seeks to insulate States or employers from being sued for non-compliance with ECO requirements under the citizen suit provisions of the CAA. The citizen suit provisions allow "any person" to bring a civil action against "any person" in violation of an emission standard or limitation under the Act.

Explanation of the appropriations bill language.—This language is based on several considerations:

(1) EPA's efforts to "reform" the program administratively have come up short. Despite EPA's proposed reforms, affected States and employers will still be required to develop the required plans, or risk lawsuits by citizens groups.

(2) It appears unlikely that EPA will use its administrative authority to make the program workable. Indeed, EPA remains committed to the statutory language of ECO. In a June 29, 1995, memorandum, EPA stated "we want to emphasize our continued support for the numerous trip reduction strategies that are currently available within the program. We believe it is important to preserve the overall trip reduction focus of ECO programs."

(3) EPA has shown no interest at all in statutory reforms of the ECO program. During its "Working Group" effort to define alternatives to ECO, the Agency tried to rule out any statutory approaches. Although several members of the Working Group supported such changes, these recommendations were not accepted by the Clean Air Act Advisory Committee. Additionally, EPA Assistant Administrator for Air and Radiation, Mary Nichols, has been quoted recently as opposing any attempts to reopen the Clean Air Act, including even minor revisions. Thus, even though EPA does not have sufficient legal authority to fix the program administratively, it continues to oppose efforts by Congress to give it that authority.

(4) Time is of the essence. States were required to file ECO revisions to their State Implementation Plans (SIPs) in 1992. Some States now have approved ECO SIPs; some are pending EPA approval. In either event, the program continues to be mandatory and States and employers are subject to citizens suits. The appropriations rider—a 12-month fix—will give the Commerce Committee time to consider whether legislative changes to the program are needed, and if so, how best to obtain those changes.

## III. ENHANCED INSPECTION AND MAINTENANCE

The appropriations bill provides that: "none of the funds appropriated under this heading may be used to assign less than full credit for automobile emissions inspection programs required under 182 (c), (d), or (e) of the Clean Air Act, as amended, on the basis of network design equipment unless the Administrator determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate".

The Clean Air Act Amendments of 1990 require ozone nonattainment areas designated as "serious," "severe," and "extreme" to implement a program of "enhanced" inspection and maintenance (I&M). A number of such

nonattainment areas have attempted to comply with the law by "enhancing" their existing decentralized "test and repair" programs. A "test and repair" program is one in which a car can be tested and repaired at the same location, typically at a service station. However, EPA has concluded that such "test and repair" programs are not as effective as "centralized" programs, *i.e.*, programs in which cars are tested at one facility and repaired at another facility. In its regulations implementing the enhanced I&M program, EPA has said that it will give "test and repair" programs only 50 percent of the credit that "centralized" programs receive.

Appropriations language.—The FY96 VA, HUD appropriations bill contains language that prohibits EPA from using funds to assign less than full credit for automobile emissions inspection programs unless EPA determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate.

Explanation of the appropriations language.—In testimony before the Commerce Committee, GAO has questioned the quantitative basis for EPA's assumption that "test and repair" I&M programs should receive only 50 percent of the credit awarded to centralized programs. The appropriations language would prohibit EPA from assigning less than full credit unless less than full credit is justified by actual data from the operation of a "test and repair" system.

## IV. REFINERY MACT

The appropriations bill provides that "none of the funds appropriated under this heading may be used to develop, propose, promulgate, issue, enforce, or to set or enforce compliance deadlines or issuance schedules for maximum achievable control technology standards pursuant to section 112(d) of the Clean Air Act, as amended, for the category proposed to be regulated at Vol. 59, Federal Register, No. 135, page 36130, dated July 15, 1994, and for purposes of this provision, section 304 of the Clean Air Act shall not apply".

The Clean Air Act requires EPA to identify and enforce "maximum achievable control technology" (MACT) standards for a number of industries, including refineries. MACT standards are designed to limit the emission of Hazardous Air Pollutants (HAPs). For existing sources, the standards are to be no less stringent than "the average emission limitation achieved by the best performing 12 percent of existing sources." For new sources, the MACT standards are based on "best controlled similar source."

EPA is under a court-ordered deadline to issue MACT for refineries by July 28, 1995. EPA is preparing to adopt a definition of MACT for refineries which would, according to the National Petroleum Refiners Association (NPRA), result in the shutdown of seven small refineries. This language would prevent EPA from finalizing a MACT standard for refineries for one year, thereby giving the Commerce Committee time to assess whether EPA is exercising its authority properly and whether there are statutory problems with Title III of the 1990 Clean Air Act Amendments which need to be corrected.

At a June 29, 1995 hearing of the Oversight and Investigations Subcommittee, the NPRA argued that the Refinery MACT standard was flawed because:

EPA relied on data from the early 1980's, instead of available 1993 data on industry equipment leaks. This data was used to estimate the benefits that would be expected from the regulation.

In designing its regulation, EPA used a "worst case scenario" which assumed that some population lives within 150 feet from the center of every refinery in the country.



This assumption served to skew risk assessments.

Even with flawed data and risk assessments, NPRA argued that EPA's own analysis of the rule demonstrated that up to 7 refineries would close due to the regulation and that the regulation would cost \$800 million over five years while reducing baseline cancer incidence by 0.33 persons per year. NPRA argued that such a risk approached zero and was not cost effective as compared to other risks facing society (\$31,000/yr cost effectiveness for death averted for improved traffic signs, \$101,000/yr. For upgraded guard rails versus \$333,300,000/yr for the Refinery MACT rule).

#### V. RISK MANAGEMENT PLANS FOR THE OIL AND GAS INDUSTRY

The appropriations bill provides that: none of the funds appropriated under this heading shall be obligated or expended to take any action to extend the risk management plan requirements under section 112(r) of the Clean Air Act, as amended, to the domestic oil and gas exploration and production and natural gas processing industry.

Section 112(r) of the Clean Air Act requires certain sources of toxic air emissions to prepare a risk management plan to prevent accidental releases of such emissions. This section of the Clean Air Act was added by the 1990 Clean Air Act Amendments and was intended to address "Bhopal-type" releases where human health and the environment are threatened.

EPA issued a list of substances subject to 112(r) regulations in January, 1994. On March 13, 1995, EPA issued a supplemental notice to the regulation which discussed several different approaches, including a "tiered" regulation of sources which essentially varies the level of effort depending on the level of risk. At present, these regulations have not been issued in final form.

EPA is interpreting certain provisions to require risk management plans for separate oil and gas wells, instead of for groups of oil and gas wells. Oil and gas producers contend that this could result in costly equipment being mandated for remote exploration and production facilities. Oil and gas producers estimate that 112(r) requirements could cost the oil and gas exploration industry \$7 to \$12 billion in the first year.

#### *Effect of Appropriations Language*

The language is intended to prevent any application of risk management plan requirements to the oil and gas exploration, processing and natural gas production industry. The key element of this amendment is the definition of "oil and gas exploration and production and natural gas processing industry." This language was altered between the subcommittee and full Appropriations Committee consideration. At the subcommittee level, the language read, "oil and gas exploration, processing and production industry." Mr. Lewis offered an amendment at the full Appropriations Committee to alter the language to its current form.

"Oil and gas exploration and production" involves such things as rigs and test equipment, usually found in remote locations. The definition also appears to cover the "Christmas tree" constructed to remove oil and gas for production. While there is some uncertainty, field plants for production may additionally fall under the definition; while major production plants may not.

With the specification of "gas processing industry," however, some have argued that refineries now may be included within the prohibition on funds. That is, some may argue that the appropriations language prevents requiring 112(r) plans not only for remotely located exploration and production activities, but larger plants which can be lo-

cated in industrial and more populated areas.

According to the Appropriations Committee report, this language is necessary "so that Congress will have the opportunity to determine if the Agency has overstepped their regulatory bounds with respect to this action."

#### VI. HAZARDOUS WASTE COMBUSTION MACT

The appropriations language provides that: "none of the funds appropriated under this heading may be used to issue or enforce any requirement not otherwise authorized under existing law or regulation with respect to combustion of hazardous waste prior to promulgation of final regulations pursuant to a rulemaking proceeding under the Administrative Procedure Act or to impose or enforce any requirement or condition of a permit, including the use of an indirect risk assessment, or to deny a permit pursuant to section 3005(c)(3) of the Resource Conservation and Recovery Act, as amended, unless the Environmental Protection Agency follows the procedures governing the use of authority under such section which it has set forth at 56 Fed. Reg. 7154, note 8, February 21, 1991: Provide further, That none of the funds appropriated under this heading may be used to issue or enforce any regulatory standard for maximum achievable control technology (MACT) for hazardous waste combustion under any statute other than the Clean Air Act, as amended, issue any such standard without first determining that in calculating the MACT floor emission levels for existing sources under section 112(d)(3) of the Clean Air Act, as amended, one-half of the currently operating facilities in the group of sources that make up the floor pool for that category or subcategory actually achieve the MACT floor levels for all of the hazardous air pollutants to be regulated".

After the Love Canal crisis, Congress made the determination to discourage the further land disposal of certain kinds of hazardous waste. EPA made the determination that combustion of hazardous waste was the best alternative for the disposal of most organic hazardous waste. Hazardous waste combustion occurs by two basic methods: (1) as input to hazardous waste incinerators; and (2) as fuel substitutes for boilers and industrial furnaces, including cement kilns.

Hazardous waste combustion units are already stringently regulated by two different but similar sets of regulations under RCRA. (Subpart O regulates incinerators: boilers and industrial furnaces (BIFs) are regulated under the BIF rule. Both sets of rules impose stringent emission limitations and other requirements "as necessary to protect human health and the environment." In addition, hazardous waste combustion units are subject to regulation under Section 112 of the Clean Air Act dealing with Hazardous Air Pollutants. That section requires EPA to propose a Maximum Achievable Control Technology (MACT) for major sources of certain hazardous air pollutants. EPA is required to make its RCRA and Air Act limits for these units consistent to the extent practicable. This has been generally referred to as the "combustion strategy".

#### *Problem*

Congress was very specific about how EPA was to determine the floor for MACT standards. EPA was to set the floor at the average of the top twelve percent of existing source facilities. EPA appears to be setting a standard that is not based on existing sources, even though in recent testimony before the Oversight and Investigations Subcommittee, Ms. Nichols stated that such standards were to be based on existing facilities. EPA also appears to be setting a MACT standard for hazardous waste combustion that improperly

commingles authority between Clean Air Act and RCRA authority.

In addition, EPA has been conditioning RCRA permits on requirements that have not been subject to the full notice and rule-making under the terms of the Administrative Procedure Act. Thus, EPA has used its permitting authority to achieve what it refuses to subject to actual regulatory development.

#### *Appropriations language*

Arguably, the language requires that EPA do only what it is already required to do. The language prohibits EPA from: (1) the use of permit conditions without site specific findings; (2) the setting of MACT standards under any authority other than the Clean Air Act; (3) the setting of a MACT standard without making the required finding that certain facilities are achieving the standard.

#### VII. OPERATING PERMITS

The appropriations bill provides that "none of the funds appropriated under this heading may be used to promulgate, implement, or enforce sections 502(d)(2), 502(d)(3), or 502(i)(4) of the Clean Air Act, as amended, against a State which is involved in litigation regarding provisions of Title V of the Clean Air Act, as amended."

This language would prohibit EPA from promulgating, implementing or enforcing the operating permits requirements against any State which is involved in litigation regarding provisions of operating permits title. This prohibition is intended to apply in Virginia—and in any other State—where deadlines have not been met for submittal of an operating permits program, approval of a state operating permits program by EPA, or imposition of a federal operating permits program (upon failure of a state to submit or gain approval of its own program).

The Commonwealth of Virginia submitted its operating permits program to EPA for approval on November 19, 1993. EPA disapproved the Commonwealth's proposed program on December 5, 1994 because of one alleged deficiency: EPA said the Commonwealth's "citizen suit" provision was not broad enough. Virginia has sued EPA over this assertion.

Because Virginia does not have an approved operating permits program, the Commonwealth will become subject to sanctions (withholding of highway funds and offsets) on November 15, 1995. In addition, EPA would be required to implement an operating permits program for Virginia by November 15, 1995. This means that after November 15, 1995, Virginia businesses could be required to apply for permits from EPA's Regional Office in Philadelphia.

The appropriations language prohibits EPA from imposing sanctions on Virginia and from promulgating, implementing or enforcing a federal operating permits program in Virginia and in any other State which is currently involved in litigation with EPA on operating permits issues. Currently, 14 States (and 30 localities) have operating permit programs which have been approved by EPA. Thus, a number of States are still subject to uncertainties concerning what should be in their operating permits program.

In addition, EPA is presently proposing significant changes to the Title V program. Although the Agency issued a final rule to implement Title V in July, 1992, challenges to the rule forced proposed modifications in August, 1994. These modifications themselves were heavily criticized and resulted in a January 25, 1995 decision to work a new proposal. Most recently, the Agency issued a "White Paper" on Title V (issued 7/10/95) which proposed further reforms. Thus, some have referred to Title V as a regulatory "moving target." Although the general intent of revisions is to correct past deficiencies, states



and the regulated community are uncertain as to what the final elements of the Title V permits program will be, especially with regard to modifications made to a source subject to a permit.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Chairman, I rise in strong support of the amendment under consideration.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

(Mr. OLVER asked and was given permission to revise and extend his remarks.)

Mr. OLVER. Mr. Chairman, I rise in strong support of the Boehlert-Stokes amendment.

Mr. STOKES. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, many of us have observed, during the debate, that the American people value the environmental goals of clean water, clean air, and reductions in hazardous materials. The public support has been strong for many years and we fully expect it to continue.

My colleagues should not be fooled by the rhetoric of the opposing side. There will be a price to pay for our actions today.

Mr. Chairman, these riders in the life of the Clean Water Act put numerous special interest loopholes in the Clean Air Act and block efforts to keep poisons out of our drinking water. This is not what the Americans want or deserve. Let true reforms go forward.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I think the gentleman from New Jersey [Mr. SAXTON] said it well. He said, "My uncle used to tell us you cannot eat the fish and you cannot go in the water."

Mr. Chairman, I think all of us who have spoken today have had similar experiences in our district one time or another; certainly those of us from the Great Lakes and those along the Chesapeake. I have listened to the gentleman from New Jersey [Mr. SAXTON]; I have listened to the gentleman from Delaware [Mr. CASTLE]; the gentleman from Maryland [Mr. GILCHREST], the gentleman from Michigan [Mr. LEVIN], on my side of the aisle; the gentleman from New York [Mr. BOEHLERT].

Mr. Chairman, for more than two decades this country has had a bipartisan commitment to protecting the environment. We have done so because we recognize that as a nation, our economy, our jobs, our tourism, our health depend upon keeping our land safe and our water clean.

But we have a bill before us today that rolls back environmental safeguards in 17 different ways. Let me give you an example.

Mr. Chairman, when I was a kid, I used to ride my bike and go swimming during the summer in Lake St. Clair. Last year the kids in my district could not swim in the lake because bacteria levels had reached dangerously high levels. Beaches closed. Businesses lost millions of dollars.

When we looked into what caused the problem, we found that untreated raw sewage was being dumped directly into the water supply because aging sewer systems could not handle the demands of a larger population, permits were issued and they were not being enforced. In some cases, the State had to let permits actually lapse for as many as 20 years.

Mr. Chairman, we know our district is not alone in this. We have heard that today on the floor. All over America, local communities need help. But instead of helping local governments, this bill takes away the tools they need to do the job.

It freezes all new wastewater treatment projects. It kills the loan funds set up to help local communities build safe drinking water facilities. It sets up a hollow permit process in which new sewage permits can be issued, but they cannot be enforced.

This bill is the sewer equivalent of opening the prison door, throwing away the key and firing the guard. Raw sewage will be left to roam free through our water supply, and we may not even know that it is there until it is too late, like in Milwaukee where 104 people were killed as a result of the parasite *Cryptosporidium*.

Mr. Chairman, it is time we returned some common sense and concern for our communities into this debate and that is why I am supporting the Stokes-Boehlert amendment. Even if we adopt this amendment, this will not cure what I think is a fatally flawed bill, because it will still cut funds. This bill will cut funds needed to keep raw sewage out of our water. It will still cut funds we need to keep our drinking water safe, and it will still cut funds we need to help our local communities keep our environment clean.

Mr. Chairman, I urge my colleagues to support this amendment, but defeat this bill.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not disappointed in this process; I am offended by it. Do my colleagues know what this bill says, these 17 riders? Among other things, they say that none of the funds appropriated may be used for any proposed national primary drinking water regulation for arsenic. This bill prevents action to control raw sewage overflow in our urban areas. This bill would put a halt to regulation dealing with toxic emissions from oil refineries.

Is it any wonder that every single group in America concerned about the

environment, every single group in America concerned about our families is watching what we are doing here and they are going to remember what we do here?

Mr. Chairman, many of my colleagues, for whom I have great respect, have defended these riders and they have argued that they are necessary to send a signal. They want to send a signal to the Senate to get moving on some of the legislation pending over there. They want to send a signal to the bureaucrats in the Environmental Protection Agency to maybe adjust the way they do business.

Mr. Chairman, I think we ought to send a signal. I think we ought to send a signal to the American people that we care about the air they breathe; we care about the water they drink; we are concerned about their environment.

Vote "yes" for America.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very, very significant vote. I would like to dispel the underlying assumption that those Members who have risen in opposition to this proposal are opposed to clean drinking water or they do not want the air to be clean.

Mr. Chairman, one of the most important things that ever happened in my life in public affairs was in the late 1960's when the country discovered the word "environment." We began a movement to progressively move in the direction of improving our air and doing something about clean water.

The EPA came out of some of that work. But the reality is, over the years this agency has gone to such excess that today we are losing public support for that important environmental movement.

I was the chairman of an air quality committee in California. In that capacity I was the author of the toughest environmental laws in the country relating to air. I wrote the legislation that created what is recognized as the leading agency in terms of air quality in the country.

At the same time, I had to deal with the EPA and its constant process of developing regulations beyond the law, its willingness to put regulation on top of regulation for the sake of it. It is now time for us to step back and insist that this agency get its act together and reflect the will of the people and the will of the Congress. Otherwise, Mr. Chairman, we are going to lose all of the support that we have developed over these years for significant and important environmental law.

□ 1315

That is why, ladies and gentlemen, we have this list of people and organizations strongly opposing this amendment today, the following groups: the National Federation of Independent Business, the National Association of Counties, the National Association of

Flood and Storm Water Managers, people who are concerned about flood and storm waters, the National League of Cities, the National Association of State Departments of Agriculture, the American Farm Bureau Federal Federation, the U.S. Chamber of Commerce, Concerned Citizens for Property Rights, the National Association of Home Builders, the National Association of Realtors, the National Rural Electrical Cooperative Association. And the list goes on.

But we have an agency, the EPA, out of control. Ladies and gentlemen, the language in this bill comes with the support of virtually all of the chairmen of the committees of jurisdiction. Without any doubt, we are moving in the direction of attempting to send a clear message to EPA. It is time for us to redirect this agency so it makes sense, so the public can once again support this very important work.

Mr. LEVIN. Mr. Chairman, the five Great Lakes contain 95 percent of the fresh surface water in the United States.

Fresh surface water for drinking, for fishing, and recreation for millions of Americans.

And for the last 9 years, the States bordering the Great Lakes have worked together to find new ways to reduce toxic chemicals dumped into the lakes.

Two years from now, the result of this work, this bipartisan eight-State effort known as the Great Lakes Water Quality Initiative, will be done. And we will actually begin to: cut the amount of mercury dumped into the Lakes; cut discharges of lead; and cut dioxin levels, and those of 19 other toxics in the five Great Lakes of the United States.

But today, the majority party wants none of that. Tucked into their bill is a Republican plan to begin throwing all that work out the window, leaving the Great Lakes at the mercy of those who dump mercury, and lead, and dioxin, into drinking water.

Mr. Speaker, these are dangerous chemicals. These chemicals pose a risk to human health. These chemicals will be controlled unless the majority kills this initiative.

Let me give you an example.

Today, the level of toxics like mercury and PCB's is so high in Lake Michigan that women of child-bearing age, pregnant women, and young children are advised not to eat more than one fish meal per month. Studies link even small amounts of these chemicals to increased risk of cancer in adults and birth defects in children.

The Centers for Disease Control have just released a study showing that children who eat Great Lake fish have: four times the amount of PCB's and three times more DDT in their bodies; lower IQ's; and growth stunts and lingering development problems.

Imagine the future if we continue to allow polluters to dump mercury and PCB's into the Great Lakes—with untold human toll, huge medical and educational costs—and yet, under the Republican proposal, the EPA would be barred from even providing advice to States as they develop their water quality programs.

That's why I rise in support of the Stokes-Boehlert amendment. The amendment is needed to strike irresponsible provisions of this bill that would block the implementation

and enforcement of our Nation's most important environmental laws.

The Great Lakes are an irreplaceable treasure that should be protected. Let's not roll back a decade of progress. Support the Great Lakes. Support the Stokes-Boehlert amendment.

Ms. NORTON. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment to H.R. 2099, the VA-HUD-independent agencies appropriations for fiscal year 1996. The proposed riders cripple the ability of EPA to protect our environment. This is not just a problem for EPA. The effects of this legislation will fall mainly on our constituents.

Exxon and Exxon Shipping paid \$250 million in penalties for the *Valdez* spill. This was the most devastating environmental disaster of our Nation's history. How can we even consider legislation that would immunize those who may be responsible for future atrocities?

Supporters of H.R. 2099 claim that the riders remove unnecessary costs on American industry, but industries such as fishing and tourism depend on clean, swimmable, and fishable waters.

There is agreement on the need for environmental reform, but this bill is a back-door attempt to repeal environmental statutes against the public interests and all without adequate public discussion.

I urge my colleagues' strong support of the Stokes-Boehlert amendment.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment.

If we pass this bill as is, we will make it easier for polluters to get away without paying for their accidents.

We will make it easier for dangerous bacteria to infect our water, as it did in Milwaukee 2 years ago, killing over 100 people.

We will make it easier for lead and arsenic to contaminate our drinking water, causing immeasurable harm to our children.

We will make it easier for sewage to back up onto our streets.

We will make it easier for carcinogenic pesticides to attach themselves to our food.

And worst of all, we will make it easy for the forces of pollution to get their way without proper debate, and without hearings in the open light of day. The appropriations process is not the place to make major policy changes that the majority of Americans rightfully oppose.

If you want to get our environmental protection laws, and if you want to make it easier for polluters to pollute, then let's have that debate out in the open, where it belongs. Let the American people know—in no uncertain terms—you oppose clean air and clean water. But for the sake of our families, our children and our communities, don't try to sneak these dangerous riders through.

The Stokes-Boehlert amendment restores a little sanity to the process. It will let the American people know that their environmental laws will not be gutted in secret.

I urge my colleagues to support the Stokes-Boehlert amendment.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I strongly support the amendment offered by my colleagues, Mr. STOKES and Mr. BOEHLERT.

I am firmly opposed to the legislative riders provisions of H.R. 2099. Prohibiting the EPA from enforcing or implementing regulations

under the Clean Air and Clean Water Acts, as well as limiting the scope of the Delaney clause, is a direct threat to our environment, as well as the health and safety of the American people.

These riders represent a backdoor attempt by the Republican majority to ease environmental protections in order to increase the profit margins of their big business friends. No hearings were held by the legislating committees, there was no public debate over these dramatic changes in environmental practices. By simply inserting these riders into appropriations legislation, which is blatantly against House tradition, the majority hopes to endanger our environment without informing the public of their intentions.

I recognize that some changes must be made in the regulatory process. However, I believe that careful review of specific laws is needed—not neutralization of a whole spectrum of laws which protect human health, safety, and our fragile environment.

If these provisions remain in this legislation, it will roll back 25 years of environmental protections—laws which have made our water safe, our air and water cleaner, saved the natural habitats of hundreds of plants and animals, preserved our wetlands, and made our food safe and free from harmful pesticides.

I urge my colleagues to support the Stokes-Boehlert amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. STOKES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 206, not voting 16, as follows:

[Roll No. 599]

AYES—212

Abercrombie	Diaz-Balart	Gonzalez
Ackerman	Dicks	Gordon
Andrews	Dingell	Goss
Baldacci	Dixon	Green
Barrett (WI)	Doggett	Greenwood
Bass	Dooley	Gutierrez
Becerra	Doyle	Hamilton
Beilenson	Durbin	Harman
Bentsen	Ehlers	Hastings (FL)
Bereuter	Ehrlich	Hefner
Bevill	Engel	Hinche
Bishop	English	Hoke
Boehlert	Eshoo	Holden
Bonior	Evans	Horn
Borski	Farr	Houghton
Boucher	Fattah	Hoyer
Brown (CA)	Fawell	Jackson-Lee
Brown (FL)	Fazio	Jacobs
Brown (OH)	Fields (LA)	Jefferson
Bryant (TX)	Flake	Johnson (CT)
Cardin	Foglietta	Johnson (SD)
Castle	Forbes	Johnson, E. B.
Clay	Ford	Kanjorski
Clayton	Fox	Kaptur
Clement	Frank (MA)	Kelly
Clyburn	Franks (CT)	Kennedy (MA)
Coleman	Franks (NJ)	Kennedy (RI)
Collins (IL)	Frost	Kennelly
Conyers	Furse	Kildee
Costello	Gedden	Klecza
Coyne	Gephardt	Klink
DeFazio	Gibbons	Klug
DeLauro	Gilchrest	LaFalce
Dellums	Gillmor	Lantos
Deutsch	Gilman	LaTourette

Lazio	Orton	Smith (NJ)
Leach	Owens	Spratt
Levin	Pallone	Stark
Lewis (GA)	Pastor	Stokes
Lipinski	Payne (NJ)	Studds
LoBiondo	Pelosi	Stupak
Lofgren	Peterson (FL)	Taylor (MS)
Longley	Pomeroy	Thompson
Lowey	Porter	Thornton
Luther	Quinn	Thurman
Maloney	Ramstad	Torkildsen
Manton	Rangel	Torres
Markey	Reed	Torricelli
Martinez	Regula	Towns
Martini	Richardson	Tucker
Mascara	Rivers	Upton
Matsui	Ros-Lehtinen	Velazquez
McCarthy	Rose	Vento
McDermott	Roukema	Visclosky
McHale	Roybal-Allard	Ward
McNulty	Rush	Waters
Meehan	Sabo	Watt (NC)
Meek	Sanders	Waxman
Menendez	Sanford	Weldon (PA)
Mfume	Sawyer	White
Miller (CA)	Saxton	Williams
Mineta	Scarborough	Wilson
Mink	Schiff	Wise
Moran	Schroeder	Wolf
Morella	Schumer	Woolsey
Murtha	Scott	Wyden
Nadler	Serrano	Wynn
Neal	Shaw	Yates
Oberstar	Shays	Young (FL)
Obey	Skaggs	Zimmer
Olver	Slaughter	

## NOES—206

Allard	Dreier	Manzullo
Archer	Duncan	McCollum
Armey	Dunn	McCrery
Bachus	Edwards	McDade
Baesler	Emerson	McHugh
Baker (CA)	Ensign	McInnis
Baker (LA)	Everett	McIntosh
Ballenger	Ewing	McKeon
Barcia	Fields (TX)	Metcalf
Barr	Flanagan	Mica
Barrett (NE)	Foley	Miller (FL)
Bartlett	Fowler	Minge
Barton	Frelinghuysen	Molinari
Billbray	Frisa	Mollohan
Billirakis	Funderburk	Montgomery
Bliley	Galleghy	Moorhead
Blute	Ganske	Myers
Boehner	Gekas	Myrick
Bonilla	Geren	Nethercutt
Bono	Goodlatte	Neumann
Brewster	Goodling	Ney
Browder	Graham	Nussle
Brownback	Gunderson	Ortiz
Bryant (TN)	Gutknecht	Oxley
Bunn	Hall (TX)	Packard
Bunning	Hancock	Parker
Burr	Hansen	Paxon
Burton	Hastert	Payne (VA)
Buyer	Hastings (WA)	Peterson (MN)
Callahan	Hayes	Petri
Calvert	Hayworth	Pickett
Camp	Hefley	Pombo
Canady	Heineman	Portman
Chabot	Herger	Poshard
Chambliss	Hilleary	Pryce
Chapman	Hilliard	Quillen
Chenoweth	Hobson	Radanovich
Christensen	Hoekstra	Rahall
Chrysler	Hostettler	Riggs
Clinger	Hunter	Roberts
Coble	Hutchinson	Roemer
Coburn	Hyde	Rogers
Collins (GA)	Inglis	Rohrabacher
Combest	Johnson, Sam	Roth
Condit	Jones	Royce
Cooley	Kasich	Salmon
Cox	Kim	Schaefer
Cramer	King	Seastrand
Crane	Kingston	Sensenbrenner
Crapo	Knollenberg	Shadegg
Creameans	Kolbe	Shuster
Cubin	LaHood	Sisisky
Cunningham	Latham	Skeen
Danner	Laughlin	Smith (MI)
Davis	Lewis (CA)	Smith (TX)
de la Garza	Lewis (KY)	Smith (WA)
Deal	Lightfoot	Solomon
DeLay	Lincoln	Souder
Dickey	Linder	Spence
Doolittle	Livingston	Stearns
Dornan	Lucas	Stenholm

Stockman	Thornberry	Watts (OK)
Stump	Tiahrt	Weldon (FL)
Talent	Trafficant	Weller
Tate	Vucanovich	Whitfield
Tauzin	Waldholtz	Wicker
Taylor (NC)	Walker	Young (AK)
Tejeda	Walsh	Zeliff
Thomas	Wamp	

## NOT VOTING—16

Bateman	Johnston	Reynolds
Berman	Largent	Skelton
Collins (MI)	McKinney	Tanner
Filner	Meyers	Volkmer
Hall (OH)	Moakley	
Istook	Norwood	

□ 1336

The Clerk announced the following pairs:

On this vote:

Mrs. Myers of Kansas for, with Mr. Skelton against.

Mr. Filner for, with Mr. Largent against.

Mr. Johnston of Florida for, with Mr. Istook against.

Mr. BLUTE changed his vote for "aye" to "no."

Mr. GREENWOOD changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was unavoidably absent from voting on rollcall Nos. 596, 597, 598, and 599. Had I been present, I would have voted "no" on all of them.

Mr. WATT of North Carolina. Mr. Chairman, I rise today in strong support of the Stokes-Boehlert amendment and in strong opposition to the attempts to insert 17 unauthorized legislative provisions into the VA-HUD and independent agencies appropriations bill for fiscal year 1996.

I am deeply concerned about the attacks being waged on the legislative process. This amendment is not only about preserving environmental, clean water and clean air laws but about safeguarding the integrity and proper functioning of the legislative process. None of the 17 legislative provisions in this bill has been reviewed or recommended by the authorizing committees with jurisdiction over those Federal programs.

Historically, appropriations bills deal with money and do not include legislative provisions. However, this bill ignores this history and violates this process. It represents an outright attack on the integrity of the legislative process we normally follow in this House.

There are good, compelling reasons that the House established authorizing committees and appropriating committees. The authorizing committees are charged with responsibility for taking the time to study, deliberate, review, and write laws which create and implemented Federal programs. The appropriating committees are charged with recommending levels of funding and appropriating funds to carry out programs. The legislative provisions in this bill represent a gross intrusion into the jurisdiction of the authorizing committees.

This bill circumvents the process. The Stokes-Boehlert amendment helps correct this abuse and circumvention, I, therefore, encourage my colleagues to support the amendment.

The CHAIRMAN. Are there further amendments to title III?

Mrs. THURMAN. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from California [Mr. LEWIS] at this time.

Mr. Chairman, I would like to enter into a colloquy regarding an issue that is vital to the interests of veterans in Florida and many other States. The Department of Veterans Affairs, as one of a series of reforms, was supposed to allocate funds to its facilities so that veterans have reasonably similar access to VA care without regard to the State in which they reside. The goal of this provision was to give veterans greater equity of access than they now have. Has the committee had a concern about this issue generally and about the amount of resources furnished to the State of Florida?

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I say to the gentlewoman that the committee has long been concerned about the VA's resource methodologies, and knows that Florida's veterans have long been frustrated about uneven access to VA care, particularly in contrast to the ease with which they received VA care in other parts of the country.

Mrs. THURMAN. Mr. Chairman, I understand that the total VA health care expenditures in Florida—for fiscal year 1994—are approximately the same as total expenditure levels in Illinois and Pennsylvania, for example, even though Florida's veteran population is 620,000 greater than that of Illinois and 330,000 greater than Pennsylvania's.

I understand that the VA health care system underwent a reorganization several years ago to reduce the number of regional offices from seven to four and that one of the perceived benefits of the proposed reorganization was that it would help achieve greater equity of access. Isn't it true that equity of access still remains an unmet goal even as VA moves to reorganize again?

Mr. LEWIS of California. The gentlewoman is correct.

Mrs. THURMAN. Then I also understand that VA has acknowledged the problem and instituted a resource-allocation system that is intended to make adjustments to facilities based on their increases in work load. Am I correct in understanding, however, that that system still leaves States like Florida shortchanged because it simply makes marginal adjustments in prior-year funding levels?

Mr. LEWIS of California. That is my understanding, and I very much appreciate the gentlewoman's raising these questions to this level of concern.

Mrs. THURMAN. Mr. Chairman, my reason for doing this also is to put the veterans, VA's, on notice that we are watching the allocation of these dollars, and we are concerned about these dollars and that it should be that the services are going to our veterans and there should be parity among States, not allocated on some outdated system.

Mr. LEWIS of California. I very much appreciate what the gentlewoman is trying to do.

□ 1345

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to advise the distinguished subcommittee chairman that I follow up on the colloquy which he just had with the distinguished gentlewoman from Florida. I want to add that we have the exact same problem in Texas and particularly in south Texas, where we are 25 miles away from a VA hospital.

Although we have a clinic that is doing its best, the allocations are not favorable because in the wintertime, we have an influx of veterans from the midwestern States. The allocation gives their States the amount but the services are rendered in another State.

I would like to apprise the distinguished gentleman of that fact and would hope that he would work with us in trying to arrive at an equitable solution.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my friend, Mr. DE LA GARZA, for bringing his concerns to our attention. There is little doubt that inequitable distribution is a problem that we must work out. In the meantime, shortage of resources results in great pressure, but I think the point the gentleman makes is very important. And the southwest, of course, is of special importance to the gentleman.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman. I appreciate the work he has done within the constraints of the budget. But nonetheless, somehow we need to arrive at some equitable solution to these problems, and I thank him for his cooperation.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FIELDS of Louisiana: Page 50, strike line 16 and all that follows through page 51, line 2, and insert the following:

"CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"NATIONAL AND COMMUNITY SERVICE PROGRAMS

"OPERATING EXPENSES

"For necessary expenses for the Corporation for National and Community Service in

carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103-82), \$817,476,000.

"OFFICE OF INSPECTOR GENERAL

"For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$2,000,000."

Page 71, line 5, after the dollar amount, insert the following: "(reduced by \$819,476,000)".

Mr. FIELDS of Louisiana. Mr. Chairman, I will not use the entire 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The reservation is not timely. The gentleman from Louisiana had embarked upon debate.

Mr. LEWIS of California. Mr. Chairman, I was trying to get the Chair's attention, but the Committee was not in order.

Mr. FIELDS of Louisiana. Mr. Chairman, I am going to insist that the point of order is not timely. I will not proceed but for a few minutes, if the distinguished chairman would allow me.

The CHAIRMAN. First, the Committee will be in order. The gentleman from California makes a good point about the Committee's not being in order. The Chair will maintain order.

The gentleman from California [Mr. LEWIS] was on his feet. Only the disorder of the Committee prevented the Chair from noticing the gentleman.

The point of order is reserved.

Mr. FIELDS of Louisiana. Mr. Chairman, what is the ruling of the Chair? It is my understanding that the ruling of the Chair was that the gentleman's point of order was not timely.

The CHAIRMAN. The Chair has ruled that due to the noise in the Chamber, the Chair did not notice the gentleman from California [Mr. LEWIS] was on his feet seeking recognition. The reservation was timely. The gentleman raised a proper concern of the House not being in order.

Mr. LEWIS of California. Mr. Chairman, I am reserving that right. I do not wish to interfere with the gentleman's right to proceed.

Mr. FIELDS of Louisiana. Mr. Chairman, I would like to bring some attention to an issue that is very important to me as a young Member of this Congress and as a Member who had the opportunity to go to college and participate in various programs to pay my way and finance my education.

This bill totally eliminates the national service program. I feel it is very important to the young people of this country to have a program like the national service program because this program actually goes at those individual students who are caught in the middle. Their parents are caught in the middle. They make a little bit too much money to qualify for government assistance to send their kids to college but do not make enough money to where they can afford to send their kids to college on their own.

The year before last, the President came up with a unique idea. That idea was a program called national service that would give young people an opportunity to earn their way through college by participating in a nonprofit organization and not only during their college career but also give them an opportunity to pay for their college tuition or pay for their student loans even after they graduate from college. So I feel that this program is a very, very vital program. It is a good program.

This amendment is a very simple amendment. All it does is to take \$819 million from NASA. I do have a great deal of respect for the NASA program, but I could not find money anywhere else. This amendment had to be budget neutral in order for it to be in order.

Therefore, I took \$819 million out of the NASA budget and put this money into the national service program so that we will not turn our backs on the tens of thousands of young people all across this country who are dependent on this program to get their college education.

This is a very simple amendment. That is all the amendment does. I am not going to insist on a vote on this amendment. But I would like to tender it to the Members because I do not think that this debate ought to end on a bill that does not include national service. At some point in this debate, it probably will not happen on this floor, but I would hope at some point, be it in conference committee or be it in the Senate, somebody put the young people of this country before us and not eliminate a program that is serving a very vital need to young people all across this country.

I thank the chairman and members of the committee. I have no speakers because I do not request a recorded vote on this amendment.

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] insist on his point of order?

Mr. LEWIS of California. No, Mr. Chairman.

I withdraw my reservation of a point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 59, line 3, insert before the period the following: "Provided further, That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen".

The CHAIRMAN. Pursuant to the order of the Committee of Thursday,

July 27, on this amendment, the gentleman from Illinois [Mr. DURBIN] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment which is offered by myself, the gentleman from Texas [Mr. WILSON], the gentleman from Delaware [Mr. CASTLE], and the gentleman from New York [Mr. BOEHLERT]. We will evenly divide the time on our side, the 20 minutes that has been allocated to us.

Let me try to explain the simplicity of this amendment. We all know of the strength and indestructibility of the human body. But we also know that if we as humans are exposed—we are all aware of the indestructibility in many instances and strength of the human body. But we also know that there are certain substances which our bodies can be exposed to which can increase the risk of disease and death.

One of the most dangerous categories is a category known as carcinogens, substances which when we are exposed to them over a period of time increase the likelihood that we will contract cancer or some other fatal disease.

The Environmental Protection Agency, at the Federal level, takes a look at the thousands of substances which we were exposed to as Americans to investigated by the Environmental Protection Agency. They divide these substances into hundreds which they believe cause cancer. Then they subdivide those cancer-causing substances into three areas: known causes of cancer, probable causes of cancer, and suspected causes of cancer.

This amendment only addresses known causes of cancer and lead, lead, of course, being particularly dangerous to young children. So what we are doing is to narrow the scope of this activity of the EPA, saying that under no circumstances will this bill in any of its provisions stop this agency from protecting Americans from the unseen hazards in our water and air, which can cause cancer to our families. To me, it is nothing short of incredible that we are having this debate today.

Who in the last election stood up and said, I want less government, I want the EPA out of the business of protecting us from cancer-causing substances? I venture a guess, no one said that. We count on the EPA to make certain that we are not exposed to arsenic, benzene, dioxin, lead, and other known carcinogens.

Yet it is necessary to offer this amendment. We just had an important vote on the floor on 17 riders to this bill which would have challenged the premise as to whether the EPA has the right to assert that jurisdiction. The purpose of this amendment, which the gentleman from Texas [Mr. WILSON] and I offer, is to state clearly and unequivocally the EPA has this author-

ity, no matter what else is put in the bill.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, the gentleman understands as I do that there are roughly 200 carcinogens that are suspected in the world. They are in three categories: known carcinogens, probable carcinogens, and suspected carcinogens. The smallest category are known carcinogens. That is only 10 percent of them.

This amendment only directs itself to the known cancer-causing toxins.

Mr. DURBIN. Absolutely. Mr. Chairman, that is why the amendment should be so clear and noncontroversial. If you want to stand for the proposition that the EPA should not protect our families from cancer-causing substances, then vote "no" on this amendment. If you believe that they should protect us from these unseen dangers in water and air, vote "yes." Simple and easy.

So why is it complicated today? Because certain lobbyists and special interest groups want to play fast and loose with cancer-causing standards and lead contamination. They want to fudge a little. They want to change the standard. They can make more money if they do. Should we let them? I do not think so. That is why I am offering the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member opposed to the amendment?

Mr. LEWIS of California. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 20 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he might consume to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

□ 1400

Mr. BARTON of Texas. Mr. Chairman, we have heard a great deal today about what should and should not be in an appropriations bill. We have heard about the necessity for hearings and for slow deliberations and actions. This particular amendment that the gentleman from Texas and the gentleman from Illinois are offering should not be added to this bill.

This is really a fight between waste incinerators and cement kilns that burn hazardous waste as part of the cement making process. I have some charts that I would like to show the committee. I want to walk you through very quickly and explain what we are talking about.

A cement kiln typically burns at a Fahrenheit of over 3,500 degrees. A typical waste incinerator typically burns at a Fahrenheit of 2,500 degrees. The

time that it takes in the cement kiln is 6 to 10 seconds, and in the hazardous waste incinerator approximately 3 seconds.

When you look at how much action is generated in the cement kiln, it is an order of magnitude of greater than 100,000 times. In the waste incinerator it is about 10,000 times. The cement kiln is much larger than the waste incinerator. The bottom line is if we put 5 percent of the fuel source as hazardous waste material into a cement kiln and burn it at 3,500 degrees Fahrenheit as opposed to 100 percent of the material being in a waste incinerator at 2,700 degrees Fahrenheit, the cement kiln totally destroys it.

Now, let us look at the regulations on the two. Now, these are regulations under RCRA for cement kilns regulated by EPA under RCRA subpart H. Under waste incinerators, under subpart O. There is nothing that is regulated under RCRA for waste incinerators that is not regulated under cement kilns. In fact, cement kilns have more regulations than the waste incinerators do.

If you will notice here the row on metals, cement kilns do have regulations on metals. Waste incinerators do not. You can go on down the list.

I have in my congressional district a town named Midlothian, TX. This town has three cement kilns, and the State of Texas and the EPA, for the last 10 years, have been constantly in Midlothian, TX, attempting to find that something wrong has been done; that some of these cement kilns, and two of the three do burn hazardous waste, have somehow polluted the air or have polluted the atmosphere.

They have held hearings in Midlothian, TX. They have done repeated studies. The State of Texas has done an animal study. EPA is now trying to recreate that animal study. They have yet to find any instance of any harm being done to man, woman, child or animal or the air in Midlothian, TX, because some of the cement kilns are burning this hazardous material.

We need to vote "no" on this amendment. As you can tell by looking at this chart, there are more than sufficient regulations both on an interim status and, once EPA certifies, on a permanent status. There is no need for this particular amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Illinois for a question.

Mr. DURBIN. The question is this: Our amendment simply says if your cement kiln should emit arsenic, benzene, dioxin, lead or a known carcinogen, the EPA can regulate it. Now, which of those chemicals do you emit from your cement kiln that you do not want the EPA to regulate?

Mr. BARTON of Texas. Under current regulations they are all being regulated today.

Mr. DURBIN. Then why does the gentleman oppose the amendment?

Mr. BARTON of Texas. Because there is no need for it. There is absolutely no need for it. It is very counter-productive.

I see my good friend, the gentleman from Texas [Mr. WILSON], smiling like the cat that ate the canary, so I am sure he is going to take issue with that.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to my colleague and friend, the gentleman from Texas [Mr. WILSON], the cosponsor of the amendment.

(Mr. WILSON asked and was given permission to revise and extend his remarks.)

Mr. WILSON. Mr. Chairman, it is hard to know where to start exactly here, but the first thing we need to understand is who does the regulating. Now, there are 24 or 25 cement kilns in the United States. There is not a single RCRA permit for any of these cement kilns. There is a RCRA permit for every commercial incinerator in the United States. Therefore, we are very concerned that these cement kilns emit an inordinate amount of, particularly, arsenic and lead.

I have given an example of the Continental Cement Co. in Hanover, MO, in 1993, which the EPA standard for arsenic emission is .4 parts per million, and the actual emission of this plant is 97 parts per million. The EPA's standard for lead is 400 parts per million, and the actual emission is 2,700 parts per million. Now, those figures simply speak for themselves.

The cement kilns are the only incinerators and, indeed, the only industry in the country that is exempt from the Resource Conservation and Recovery Act. What my opponents are trying to do is to have America step down from existing technology. The real proof of the pudding is that 66 percent of these companies are foreign owned. They are owned in France, they are owned in Switzerland, they are owned in Germany, and they are owned in England. In those countries of ownership, they do not allow toxic waste to be burned in cement kilns.

In truth, they are treating the United States as a Third World country. They are making the profit and they are sending us the toxics. This is a simple amendment and I urge a "aye" vote.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume to just make a fundamental point regarding this amendment.

Mr. Chairman, it is very appealing to have language in an amendment that says that the agency shall be able to protect humans against exposure to arsenic, benzene, dioxin, lead or any other carcinogen. The problem is while it is very simple and very straightforward and obviously not deceiving, there are trace minerals of that kind in any variety of materials that might be disposed of by a variety of technologies.

This language says that when it becomes known to a Federal official, that there's a trace of arsenic, suddenly we

give this agency leave to do anything they want to do in spite of Federal direction.

It is a very, very serious amendment that goes way beyond what this simple language would suggest. It is a desire on the part of a few to give EPA a free hand in a subject area that could have dramatic effect upon our economy. Further, it is designed in no small part to give a bigger share of the marketplace to a certain kind of process relating to getting rid of some kind of toxic wastes versus another piece of the marketplace that has another technology. To say the least, this is a serious amendment. I want the whole House to have an opportunity to consider this amendment.

At this point in time, Mr. Chairman, I am not sure we have enough time today to accomplish that.

Mr. Chairman, I reserve the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, the last comment made by the gentleman from California, chairman of the subcommittee, suggested that we would not bring this to closure and debate and vote today. It is my understanding with the time limitation that the chair announced that we can conclude this before 3 p.m. which I understood was the time when we wished to adjourn.

The CHAIRMAN. The Chair would put the question in the ordinary course following the debate on the amendment.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE], a cosponsor of the amendment.

Mr. CASTLE. I thank the gentleman from Illinois for yielding me the time.

Mr. Chairman, I would just like to say it has been sort of a strange day here today. We had an earlier amendment—and sometimes it is hard to separate the sides here—we had an exemption for oil with respect to air pollution but we did not for the chemical industry.

Now we have a situation in which we are dealing with several competing industries, we are dealing with a hazardous waste incineration cement kiln industry but we also have another industry, the commercial hazardous waste incineration industry, which has to live under different standards. Essentially this amendment would allow the cement kiln industry to escape stringent dioxin emission standards that other hazardous waste combustors must comply with and do so willingly because they want to, of course, have safe environmental practices.

It is very strange to me. I do not know why we are doing it. According to data supplied to the EPA by the cement kiln industry itself, in almost all cases the concentrations of heavy metals from 12 hazardous waste burning ce-

ment kilns exceeded superfund site actions levels in soil. Thus the creation of more Superfund sites will be virtually guaranteed. This would not only add to Federal cleanup costs but would also unnecessarily increase air and ground water pollution imperiling public health.

The commercial hazardous waste incineration industry, the other side of this, has been a leader in investing in advanced pollution control technologies. This will cease, if cement kilns, many of which are foreign owned, are provided regulatory relief that widens their competitive advantage over commercial incinerators. The United States would thus have to dispose of dangerous toxic and carcinogenic chemical wastes using antiquated highly polluting cement kiln technology.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, my good friend the gentleman from California earlier stated that of any of these carcinogens, that there were traces to be found, but I would like to ask the gentleman a question: If the Superfund standard for arsenic is .4 parts per million, would the gentleman consider 97 parts per million excessive or a trace?

Mr. CASTLE. I would consider that excessive, sir.

Mr. WILSON. If the gentleman will yield further, if the Superfund standard is 400 parts per million of lead, would the gentleman consider 2,700 parts per million of lead to be excessive and not a trace?

Mr. CASTLE. I would.

Mr. WILSON. Well, it is consistent all down the line of the emissions of these products.

Mr. CASTLE. Mr. Chairman, reclaiming my time, we know that Europe is moving away from using cement kilns to burn toxic waste. The hazardous waste cement kiln industry wants to move to the United States. That is incredible to me, that they are not allowing this in Europe now and now they want to move all of this to the United States. Then we in Congress are going to take the additional step of allowing them to be exempted from laws that others who do the same thing would not be exempted from. This will cost 6,000 jobs in the commercial hazardous waste industry because it will become economically nonviable. Obviously it has a huge impact on our economy as well as a huge environmental impact across the United States of America.

It is for all these reasons that I support this amendment. I would urge everybody in Congress to join us in supporting the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas [Mr. BARTON].

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

The CHAIRMAN. The gentleman from Texas is recognized for 3 minutes.

Mr. BARTON of Texas. Mr. Chairman, I just feel compelled to correct the record. Under existing RCRA regulations, waste incinerators, according to the information I have, are not regulated at all for metal disposal. Under RCRA regulations, cement kilns are.

The gentleman from Delaware just spoke about dioxin regulation. I want to read something from the EPA. It says:

According to EPA combustion emissions technical resource document, dioxin emissions from commercial hazardous waste incinerators are 2.2 times more toxic than those from cement kilns. All cement kilns are in compliance with stringent dioxin emission standards found in the EPA's BIF regulation, which is boiler, industrial and furnace regulation. Hazardous waste incinerators have no similar regulations.

I want to read something else from EPA Section Chief Paul Godholdt. It says:

Some people say that incinerators are more highly regulated than cement kilns, but in most cases that's not true. Cement kilns are more highly regulated.

That was on July 3, 1994.

EPA has defended the boiler, industrial furnace rules in Federal court as protective of human health and the environment.

This is an inside-baseball argument between two industries, one that uses waste totally in its furnaces, the incineration industry, and the other uses 5 percent of its fuel source from hazardous waste material and destroys it 99.99 percent.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

□ 1515

Mr. WILSON. My colleague from Texas stated that the cement kilns were regulated by RCRA.

Mr. Chairman, I did not know until we got into this debate what RCRA was, but RCRA is the Resource Conservation and Recovery Act.

Mr. BARTON of Texas. Mr. Chairman, the gentleman is correct.

Mr. WILSON. Mr. Chairman, I think it will come as a surprise to the gentleman to know that there is not a single cement kiln that has an RCRA license. All commercial incinerators have RCRA licenses.

Mr. BARTON of Texas. Mr. Chairman, that is because they are operating under interim regulations. As soon as the EPA certifies the permanent regulations, they will get those permits. That is my information.

Mr. WILSON. They might and they might not. But if the riders that were put on the bill earlier, that were knocked out by a very narrow vote, were allowed to stand, then it would be extremely difficult for the EPA to go through the permit process.

Mr. BARTON of Texas. My sources are from the EPA, and I just read them, and I can quote you page numbers, dates, chapter, and verse.

Mr. WILSON. Mr. Chairman, I would respond by saying that if I said my sources were from the EPA, the gentleman would say, there they go again, lying to the Congress.

Mr. BARTON of Texas. Mr. Chairman, I think there are some who question the EPA as a source, but in this particular debate, I think they are relevant.

Mr. LEWIS of California. Mr. Chairman, I yield 7 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I want to make two points here. One is what I think this amendment is trying to do.

Mr. Chairman, we talk in terms of special interests that unbelievably overload the incineration of toxic wastes in favor of commercial incinerators, who, I may say, have been in the business longer than those that burn toxic waste in the making of cement and in other boiler activities.

Mr. Chairman, the other thing that is important to understand, though, I think, is by moving forward with this amendment, what the proponents of the amendment are doing is allowing EPA to overstep its legal authority, violate the terms of the Clean Air Act, and allow them not to follow their own regulations.

Mr. Chairman, this is about an agency, as I said earlier, which has decided it does not have to follow the law Congress has set down, nor does it have to follow its own regulations.

In promulgating the processes by which they propose to license these combustion facilities, EPA is changing the law and violating its own rules. That is what this is about.

We can talk about cement kilns versus commercial incineration, and if we talk about that, we can talk about who burns what, and how bad is it and what happens to it.

The truth is that both facilities, both kinds of facilities, must meet stringent EPA regulation and must destroy these toxins to 99.99-percent efficiency.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I might say to the gentleman, this is an important debate and relates to a rider, which has now been removed from the bill, on cement kilns. But the amendment that we are debating does not mention cement kilns. The amendment that we are debating says, "The EPA shall have the authority to protect us against arsenic, benzene, dioxin, lead, and known carcinogens."

Does the gentleman object to that premise?

Mr. CHAPMAN. The amendment addresses a restrictive rider that has now been removed. The gentleman's amendment we both know is moot. I do not know why we are engaged in this debate, other than to engage in this discussion, but the House has passed an amendment that makes your amendment moot.

Here we find ourselves as proponents, going forward on an amendment that is already going to have no force and effect because it releases limitations which have been previously released by the last vote in this House.

Let us be honest, the issue here is about giving the commercial incineration industry a market advantage over the cement industry. That is what this issue is about. If the gentleman will be forthright, the gentleman will have to acknowledge that the truth is, the cement industry is more highly regulated than the commercial incinerator industry. The cement industry has standards they must meet that the commercial incineration industry does not meet, and the cement industry has to follow more stringent regulations than does the other.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, was the gentleman on the floor when we discussed the fact that not a single cement kiln in the country is licensed by RCRA, by the Resource Conservation and Recovery Act, and that all of the commercial incinerators are?

Mr. CHAPMAN. Mr. Chairman, every single cement plant in America is operating under a permit issued by the EPA.

Mr. WILSON. But not by RCRA.

Mr. CHAPMAN. Of course they are licensed. It is difficult for me to understand why the gentleman, who until a few minutes ago did not know what RCRA was, would come in here now and suggest to me that you are some kind of an environmentalist.

Mr. WILSON. I am a fast study.

Mr. CHAPMAN. I see that you are.

Reclaiming my time, Mr. Chairman, if the gentleman is a fast study, the gentleman knows that every cement plant in America is operating under a permit from the EPA more stringent than any commercial incineration facility. That is what this debate is really all about.

The debate is about the EPA following its own rules, following its own guidelines. What it is about is telling EPA to follow the law. Nothing more; nothing less. It is about EPA following their own regulations. Nothing more; nothing less.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I know there is confusion, and the body hates to see Texans confused among each other. We are all from Texas, and I know it is discomfobulating, but I want to try to clarify this one more time: The standard that cement kilns are currently regulated under is an interim standard under RCRA, promulgated by EPA, and it is a tough standard.

The distinguished gentleman from Lufkin did not like me using the EPA



as a source. Well, I am chastised by that. I am now going to use the Congressional Research Service, which should have more repute in this body.

This is CRS environmental policy analyst, Linda Schreio, S-C-H-R-E-I-O. She has found that the BIF rule under RCRA includes identical standards to the incinerator rule in terms of the efficiency required for pollution removal. She says,

The BIF rule is more protective than the incinerator rule in 3 key areas: Total hydrocarbon emissions, specific emission standards for 12 metals of concern, and additional dioxin requirements including the requirement to conduct site-specific risk assessments for dioxin.

She further states,

The commercial incinerator rules contain no similar standards, even for dioxin.

And then she says,

The interim status under the BIF rule is a tough standard.

Now, I hope that puts to rest that cement kilns are not regulated. And if they are, they are regulated less stringently. I am quoting in this case the Congressional Research Service.

Mr. CHAPMAN. Mr. Chairman, I appreciate the comments of the gentleman, because if there is an insinuation here that cement kilns somehow have been getting a free ride from EPA, from CRS, and the honest facts are that is just not the case.

They are not only regulated; they are regulated more stringently than the commercial incineration industry. They do a better job of destroying the toxins that law requires be destroyed and they do so in a way that is saving industry, the taxpayers, and consumers in this country money, and they are doing it in a way that makes our environment cleaner.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, if that is the case, I would ask the gentleman simply, since 65 percent of these kilns are owned in Europe, why do the Europeans not allow this practice to occur?

Mr. CHAPMAN. Mr. Chairman, I am glad the gentleman brings that because the Europeans do allow it.

I say to the gentleman from Texas [Mr. WILSON] that the technology was developed in Germany and they are in Germany, they are in France, and they are in England. In fact, there is a consortium in Europe working as we speak today, probably to put in place the same kinds of standards that we have through our EPA here.

But the truth is that there has been a misstatement that this is a technology that does not exist. It does exist. It is in existence in Europe and there are European incinerators, European kilns, that are doing this technology just as we do it here and with just as safe results.

Mr. WILSON. Mr. Chairman, I would like to say that my information is that that is not correct.

Mr. CHAPMAN. The gentleman's information is incorrect.

Mr. DURBIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, if my colleagues are struggling to follow this debate between the cement kiln industry and the industrial incinerator industry, what they are doing is burning toxic waste, and they want to know how much they can emit from their smokestacks and there is a battle within these two industries.

I do not have a horse in this race, and this amendment really does not address that issue. This amendment gets down to what I think people in the gallery watching, and Members I hope, believe is the bottom line. When it is all said and done, no matter who wins or who regulates, is my family at risk or not? Is something coming out of that smokestack which can hurt me and my children? That is all we want to know.

The Durbin-Wilson amendment says the bottom line is the EPA should use one standard: Protect Americans from exposure to arsenic, benzene, dioxin, lead, and known cancer-causing substances. What is the debate here? Do we want to say they should not protect us? Why, of course they should.

These industries can work it out somewhere else. The Durbin-Wilson amendment is the bottom line as to what we expect from any agency which is dedicated to protecting public health.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKEY].

(Mr. VISCLOSKEY asked and was given permission to revise and extend his remarks.)

Mr. VISCLOSKEY. Mr. Chairman I rise in strong support of the Wilson-Durbin amendment. The EPA should have a clear mandate from Congress in cases where human health is at stake.

Mr. Chairman, I was especially concerned about the refinery air toxins rider that was included in the underlying legislation. I recognize this rider has been stripped out of the bill, but I think it is important for the House to take a clear stand on the issue.

Mr. Chairman, I remain concerned about carcinogens from the petroleum refinery industry. Petroleum refineries are one of the largest sources of cancer-causing emissions, primarily benzene, which causes leukemia.

It may not mean much to some Members, but the people of the 1st District of Indiana must continue to live under a cloud of over 1 million pounds of toxic refinery emissions per year.

In the 1980's the people of northwest Indiana watched as the Clean Air Act took effect; our skies lost the steady red glow of the old steel mills. We continue to make progress, but we have a long way to go. However, my constituents appreciate the progress made under the Clean Air Act, and their lives are better because of it.

Mr. Chairman, we still have a long way to go to make sure that the air is

truly safe for our citizens, and I ask my colleagues not to turn the clock back.

Do not leave any doubt about EPA's mandate to protect the people of Indiana's 1st District or the people of this Nation from cancer-causing pollutants. Please support the Wilson-Durbin amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. VISCLOSKEY] yields back 30 seconds.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I have been on the floor quite a bit today, so I do not need to repeat all of what I have said, but I am a concerned legislator; I am a concerned family man; I am a concerned citizen; and I am proud to be a Republican.

Mr. Chairman, there are a number of people who share those same characteristics on our side of the aisle, deeply committed to doing what is right by the American family with respect to environmental legislation. There are a number of my colleagues on the Democratic side who are equally concerned about the American family and sensitive environmental issues.

Do I want my constituents, the people I care for, do I want my family, the people I love, too, exposed to lead and arsenic and dioxin and benzene and known carcinogens? The answer is clearly "no."

□ 1430

I think this is a sensible amendment. I think it has earned our support.

We have had a spirited debate today on a high level, a high plane. I want to commend all of my colleagues for their participation. I want to thank the gentleman from Illinois [Mr. DURBIN] for allowing me the opportunity to participate with him, my colleague, the gentleman from Texas [Mr. WILSON], my colleague, the gentleman from Delaware [Mr. CASTLE] in supporting this amendment.

Mr. DURBIN. Mr. Chairman, I yield myself 30 seconds.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, I thank the gentleman for yielding.

The EPA, at the end of the Bush administration, ruled that tobacco secondhand smoke was a class A carcinogen, just as dangerous as chlorine and benzene. Would this amendment now give the EPA the right to control secondhand tobacco smoke all the way down to zero tolerance?

Mr. DURBIN. No. This amendment does not seek to impose any new or expanded standard, but to establish the continuing jurisdiction of the EPA even in terms of protecting us against the chemicals that are enumerated.

Mr. ROSE. I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I would like to ask the gentleman from Illinois a question about his amendment, and I would like the gentleman's attention, the gentleman from Illinois.

In the amendment, as I read it, it says that any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the EPA to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen.

My question is: When it is made known, who makes it known? How do they make it known? At what level do they have to make it known? If my 13-year-old daughter, Kristin, sends a letter to the administrator of the EPA, does that give them authority to violate existing Federal law?

This sets no standards. If I read this correctly, if we pass this amendment, the EPA, if anybody on the street says they have got a concern, they can violate the existing standards in existence and go out and regulate to the nth degree.

Would the gentleman from Illinois answer that question?

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Illinois.

Mr. DURBIN. Unless the children of the gentleman from Texas are chemists and can detect levels of arsenic in water and want to report it to a Federal agency, I do not think he has to worry about that.

Mr. BARTON of Texas. It does not say. It just says "if made known."

Mr. DURBIN. If the gentleman will yield, this is language which we are now using every day in appropriations bills. I think the gentleman is aware of the fact that the EPA is not going to take a rumor or a suspicion and act on it.

Mr. BARTON of Texas. At what level? I mean, there needs to be a standard. My suggestion would be, and I hope it does not pass, in report language we need to definitely define that because you have got an open-ended standard there.

Mr. DURBIN. If the gentleman will yield further, we are using the same standard currently available. We are not expanding the jurisdiction nor changing the standards of the EPA. We are saying that as to these specific dangerous chemicals and carcinogenic substances, they have the right to protect us.

Mr. BARTON of Texas. Reclaiming my time, with all due respect to the distinguished authors of the amendment, that is not what it says.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. CHAPMAN. Let me make sure Members of the House understand what this amendment says, because I misunderstood, I guess, either the gentleman from North Carolina or the gentleman from Illinois when he said this would not affect the regulation of secondhand smoke, which has been called a known carcinogen.

The gentleman correctly points out, and it is true, that we have used this "when it is made known" standard in the Committee on Appropriations, and I will say to the gentleman from Texas, it is so your 13-year-old daughter can write a letter to EPA and make it known to them her concerns and under this amendment that would trigger EPA's authority to do what this says, and what this says is that they can use all of their abilities to protect against human exposure to, among other things, known carcinogens.

I would ask the gentleman from Illinois if he drafted this amendment, is he aware that, in fact, it would authorize and expand EPA's jurisdiction to manage these risks down to a zero tolerance, a zero tolerance? That is chemically impossible to do.

Mr. BARTON of Texas. That is exactly right.

Mr. CHAPMAN. Chemically impossible to do in direct violation of all environmental laws of the country.

I would ask the gentleman from Illinois, does he disagree that is the clear language in his amendment?

The CHAIRMAN. The gentleman from California [Mr. LEWIS] has 1 minute remaining, and the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I rise today to express my support for the amendment offered by Congressmen DURBIN and WILSON. This amendment will ensure that the EPA continue to protect Americans from exposure to numerous toxins, including arsenic, benzene, and dioxin lead. These chemicals pose serious health problems to Americans of all ages.

Just this week, the Washington Post reported the results of a study which indicated that carcinogens, neurotoxins, and other chemicals were found in various name brand baby foods selected at random from across the country.

This study underscores the need for us to remain vigilant when it comes to protecting our environment and the health of our youngest citizens. We need to maintain the critical safety net which protects the health and safety of all our citizens.

I urge my colleagues to support the Durbin-Wilson amendment protecting our children and families against toxic substances.

Mr. RUSH. Mr. Chairman, I rise today in support of community development banks which are left unfunded in this VA, HUD and Independent Agency appropriations bill. I have a long history with the creation of the Community Development Financial Institutions program. I want to commend my colleague from Massachusetts, Mr. KENNEDY, and the chairman of the subcommittee, Mr. LEWIS, who agreed to work toward a continued funding

level for CDFI's during the House and Senate conference on appropriations.

I am proud to support these types of community investment programs as I did during passage of the Community Development Banking and Financial Institutions Act of 1993. I was pleased that November, to be a part of a comprehensive community development banking effort that can truly make a difference between stagnation and salvation for thousands of disinvested urban, rural and suburban communities across our Nation.

CDFI programs do make a difference. They help increase the confidence of the residents, business owners and workers in targeted communities that their own fortunes and opportunities are on the rise. Equally as important is the need to convince outside investors that low-income communities merit their consideration as a solid investment for their money.

Those who benefit from the CDFI fund will be left in the lurch without this program. Without this funding, many of the benefits for underserved people, such as minorities and women, would not be felt. Lack of access to capital is the No. 1 reason these individuals struggle. The fund will also target the working class and middle-income neighborhoods threatened by decline. Without the fund, traditionally underserved and middle-class communities will fall further behind.

Currently, there are more than 300 CDFI's in 45 States that manage over \$1 billion in capital. Many of these CDFI's specialize in small business start-up assistance, providing very small micro loans for low-income people seeking to become self-employed. This new approach is vital to creating economic opportunity.

We need innovative long-term solution to help our communities survive. The CDFI's have a comprehensive strategy that will empower local communities and increase access to credit and investment capital, these are the seeds needed to grow an economically healthy nation.

It is my hope that CDFI's will receive strong consideration for complete funding during the House and Senate conference on appropriations.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the Kennedy amendment to strike the language in the bill that prohibits HUD from developing rules relating to the application of the Fair Housing Act to the business of property insurance.

As many in this Chamber know, I have devoted considerable efforts over the past two Congresses to bring an end to the terrible practice of insurance redlining. As the chairwoman of a subcommittee with jurisdiction over insurance, I have worked with the industry to bring an end to these practices.

In the last Congress, the House of Representatives voted overwhelmingly in favor of my bill to develop a database on insurance sales practices in large cities. I was pleased by the support of Members on both sides of the aisle, as well as the insurance industry.

This bill unfortunately takes a tremendous step backwards in the area of fair housing. The bill prohibits HUD from taking any action to implement the Fair Housing Act with respect to homeowners' insurance. HUD is currently working to develop proposed rules to clarify what property insurance practices constitute illegal discrimination.

HUD has been trying to work with the insurance industry on these proposed rules and

has even suggested doing a negotiated rule-making. This amendment stops this activity in its tracks. It assumes that the rules will be unreasonable, or perhaps that there is no concern over insurance redlining in violation of the Fair Housing Act.

In the last Congress I strongly supported giving Commerce, not HUD, the responsibility to gather data. However, I have always believed that HUD has the responsibility to enforce fair housing laws, including redlining. With the current efforts to dismantle the Department of Commerce, it is even more important not to disarm HUD in its responsibility to prevent redlining.

We know that there are unprecedented efforts in this Congress to attack affirmative action. This bill goes one step further by attacking antidiscrimination laws. There has always been a consensus in this House that there should be no discrimination in housing. This bill says that the House of Representatives no longer cares about discrimination.

We must remove this offensive provision and reaffirm our support for fair housing laws and an end to insurance redlining. Vote "yes" on the Kennedy amendment.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of this amendment to restore funding for the Small Business Administration's Office of Advocacy. I congratulate Chairman MEYERS and ranking Member LAFALCE of the Small Business Committee for offering this amendment. This is a bipartisan, pro-small business amendment that deserves the support of this House.

The Office of Advocacy is Congress' insurance policy to guarantee that our small business policy accomplishes two things: it encourages entrepreneurship and small business creation and it does not impose unreasonable regulatory burdens on those entrepreneurs. This office performs these functions through regulatory intervention, research, information gathering, and serving as a grass root network for small business owners.

Virtually all small business trade organizations have high praise for the office, especially under the leadership of the current director, Jere Glover. The delegates of the recent White House Conference on Small Business were so impressed with the Office of Advocacy that they recommended to the President that this office be made permanent. They also recommended that it be given the additional responsibility of tracking and reporting on progress made on the Conference recommendations. Small business owners trust and value the Office of Advocacy—that is the best endorsement for the Meyers-LaFalce amendment.

Small businesses don't have big bucks to spend in powerful law firms to represent their interests before government regulators. The Office of Advocacy provides that service for small businesses across this Nation.

Jere Glover and the Office of Advocacy has been effective champions for small business interests, even when this has meant disagreeing with the administration or opposing actions and policies of other Federal agencies. The Office of Advocacy is the small business owner's best friend in Government. We hear a lot of talk about the need to make government more business-friendly. Today we can turn that talk into action by voting for the Meyers-LaFalce amendment. I urge support for this amendment.

Mr. LAZIO of New York. Mr. Chairman, I would like to commend the Appropriations Committee for completing action on the VA/ HUD appropriations package.

In particular, I am pleased that one of the legislative provisos contained in the appropriations bill gives the Housing and Community Opportunity Subcommittee, of which I am the chair, the tools to enact legislation which will restructure HUD's insured multifamily rental housing programs. The combination of report language and \$4.9 billion in funding enables HUD to begin the process of assisting families in a cost-effective manner that stays within the confines of the budget resolution adopted this year.

It is important to note that without major reforms, this program could end up consuming virtually all of HUD's \$19.4 billion budget. Other programs like Community Development Block Grants, HOME, housing for vulnerable populations, and public housing will be swallowed up. Given the importance of these other programs to building and sustaining strong communities and neighborhoods, I view the reform of the multifamily program as a major step towards changing the mission of this Department. Restructuring this portfolio must occur soon before the costs to the Federal Government become even larger.

Currently, I am working on a comprehensive housing bill which will provide HUD with the authority it needs to lower the long-term costs of restructuring this portfolio. What has surprised me during this drafting process is the magnitude, complexity, and duplication of housing laws in general. The laws are filled with redtape and burdensome regulations written during the last 40 years. These laws must be completely and comprehensively overhauled—a process which I will not undertake in a frivolous manner despite the rhetoric of yesterday. My legislation will enhance the health, safety, and economic well-being of families, neighborhoods, and rural areas. It will encourage innovative uses of resources which are now rendered useless because of bureaucracy and legislative micromanagement. I look forward to sharing my efforts very soon.

Once again, I would like to congratulate the chairmen of the full committee and subcommittee for setting in motion this much needed reform to HUD.

Mr. POMEROY. Mr. Chairman, I rise today in very reluctant opposition to the amendment offered by the gentleman from Pennsylvania, [Mr. FOGLIETTA].

I am troubled by the deep cut this bill makes in mass transit operating assistance. However, I am unable to support the Foglietta amendment to restore \$135 million for mass transit because the amendment is paid for with funds taken from the Airport and Airway Trust.

The Airport and Airway Trust Fund is a dedicated trust fund supported by the flying public for investment in our aviation infrastructure. I am a cosponsor of legislation to take the aviation and other transportation trust funds off-budget to ensure that they are used for their intended purpose. I cannot support an amendment that would divert aviation trust funds for non-aviation use.

However, I remain sincerely committed to restoring funds for mass transit operating assistance. I am hopeful that the Senate will support the President's budget request for mass transit, and I will work to sustain a higher level of funding in conference. In addition,

I intend to work with the authorizing committee to seek greater flexibility in the use of mass transit grants—allowing smaller cities and towns to use a greater proportion of their transit funding for operating expenses.

I reluctantly urge my colleagues to oppose the Foglietta amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, the VA-HUD appropriations bill we have before us today has to be one of the cruelest, most disturbing, misguided, and callous pieces of legislation that has ever been considered by this House. I strongly oppose it and vigorously urge its defeat.

Nowhere is the real agenda of the Republican Party, or the skewed philosophy driving the "Contract on America," made clearer than in H.R. 2099—stick it to struggling, disempowered poor and lower-income citizens in order to pay for massive tax breaks for rich folks and corporate fat cats. Make no bones about it Mr. Chairman, this bill is not about balancing the budget or cutting so-called waste from any department or agency. It is about hurting the most vulnerable in our society, about taking the most from those with the least, about redistributing vital and necessary Federal support from the poor, the children, the elderly, and the veterans to the rich and privileged. Nothing could be more despicable, illogical, extreme, or unfair.

At a critical time in our country when reports show that the demand for decent, affordable housing for both individuals and families continues to grow while the supply of such units is dropping, the Appropriations Committee turns its back, closes its eyes, and covers its ears to the problem. H.R. 2099 guts the HUD budget by 25 percent, nearly \$6 billion. While some will come to this floor today to praise these foolish cuts, let me tell you that my constituents and I see little to smile about.

To begin with, the committee's decision to slash homeless assistance grants by 50 percent will result in a \$20 million loss to my city of Chicago in fiscal year 1996, leaving 3,325 fewer persons with the day care and job training services that would provide them an opportunity to get off the streets and into employment. In addition, these reductions translate into 320 fewer units of transitional and permanent housing for the homeless. But as I said, this is just the beginning, Mr. Chairman.

Believe it or not, H.R. 2099 sees fit to raise rents on the poorest public and assisted housing residents in order to pay for \$1.6 billion in cuts to HUD operating and modernization subsidies also included in this legislation. Talk about a double whammy. Not only will rents increase, but tenants will get nothing for it.

Under this bill the vast majority of public housing and section 8 residents in Illinois will be forced to pay on average \$828 more in rent annually. A struggling AFDC family of three will have to cough up \$552 more. Where will this money magically come from? How will these cuts not result in more women and kids on the streets scrambling to survive, especially given other planned Gingrich Republican cuts to education, Head Start, child nutrition and school lunches, and the like?

On top of all this nonsense, the development of affordable rental housing for individuals with special needs, such as older Americans, persons with disabilities, and those with HIV and AIDS will be severely undermined. The Appropriations Committee's decision to rip nearly \$500 million away from initiatives designed to assist those with special concerns

leaves 95 fewer seniors in Chicago with access to elderly housing and 493 fewer individuals suffering from HIV or AIDS with a roof over their heads. Where is the logic?

Mr. Chairman, my city of Chicago and HUD are wrestling with how best to tackle certain pressing problems which beset the Chicago Housing Authority. This situation calls for greater attention to and respect for the rights and needs of public housing residents. Unfortunately, H.R. 2099 greatly imperils these efforts.

However, the draconian cuts to the HUD budget are not the only reasons to oppose this drastic bill. Incredibly, H.R. 2099 goes further in slicing the EPA budget by 32 percent, or \$2.3 billion, and includes legislative riders to strictly limit or prohibit the EPA from enforcing or implementing provisions of the Clean Water and Clean Air Acts as well as food pesticide, toxic emissions, and water quality standards. In so doing, the health and safety of all Americans are immediately threatened. But what's new Mr. Chairman, these 200 plus days of the 104th Congress have been punctuated by GOP special interests winning out over the public well-being.

Finally, H.R. 2099 decimates veterans' health by slashing VA medical care by \$250 million, deletes funding for community development banks which provide desperately needed financial support to underserved communities, and eliminates the President's community service program which provides thousands of young Americans with an opportunity to attend college and secure their futures. At the same time H.R. 2099 provides over \$2 billion to fully fund the space station. Apparently, the Gingrich Republicans would rather float taxpayer dollars into a black hole above the earth than deal with the needs and concerns of the real people down here on the ground. I urge my colleagues to reject this ill-conceived legislation.

Mr. ARMEY. Mr. Chairman, I move that the Committee do now rise.

#### PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Chairman, as I understand it, we have an agreement as to the length of debate on this amendment and the written understanding which was given to both sides says we shall continue to take amendments and vote until 3 p.m. today. It is 2:35. Why are you trying to stop us from taking that rollcall on this amendment?

The CHAIRMAN. The Chair would state that the gentleman is not asking a parliamentary inquiry.

Mr. DURBIN. Let me ask it in parliamentary terms.

Did the Chair not rule it would continue the business of the house under the ordinary rules until 3 p.m.?

The CHAIRMAN. The Chair must entertain a privileged motion.

The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 148, not voting 28, as follows:

[Roll No. 600]

YEAS—258

Allard	Ganske	Myrick
Archer	Gekas	Nethercutt
Armey	Geren	Neumann
Bachus	Gilchrest	Ney
Baessler	Gillmor	Norwood
Baker (CA)	Gilman	Nussle
Baker (LA)	Goodlatte	Orton
Ballenger	Goodling	Oxley
Barcia	Gordon	Packard
Barr	Goss	Parker
Barrett (NE)	Graham	Paxon
Bartlett	Greenwood	Peterson (FL)
Barton	Gunderson	Peterson (MN)
Bass	Gutierrez	Petri
Bereuter	Gutknecht	Pombo
Bevill	Hall (TX)	Porter
Bilbray	Hancock	Portman
Bilirakis	Hansen	Pryce
Biley	Hastert	Radanovich
Blute	Hastings (WA)	Ramstad
Boehlert	Hayes	Regula
Boehner	Hayworth	Riggs
Bonilla	Hefley	Rivers
Bono	Heineman	Roberts
Browder	Herger	Rogers
Brownback	Hilleary	Rohrabacher
Bryant (TN)	Hobson	Ros-Lehtinen
Bunn	Hoekstra	Roth
Bunning	Hoke	Roukema
Burr	Holden	Royce
Burton	Horn	Salmon
Buyer	Hostettler	Sanford
Callahan	Houghton	Saxton
Camp	Hunter	Scarborough
Canady	Hutchinson	Schaefer
Castle	Hyde	Schiff
Chabot	Inglis	Seastrand
Chambliss	Jacobs	Sensenbrenner
Chapman	Jefferson	Shadegg
Chenoweth	Johnson (CT)	Shaw
Christensen	Johnson, Sam	Shays
Chrysler	Jones	Shuster
Clay	Kanjorski	Sisisky
Clinger	Kasich	Skeen
Coble	Kelly	Smith (MI)
Coburn	Kim	Smith (NJ)
Collins (GA)	King	Smith (TX)
Combest	Kingston	Smith (WA)
Condit	Klink	Solomon
Conyers	Klug	Souder
Cooley	Knollenberg	Spence
Cox	Kolbe	Stearns
Cramer	LaHood	Stenholm
Crane	Latham	Stump
Crapo	LaTourette	Stupak
Cubin	Laughlin	Talent
Cunningham	Lazio	Tate
Davis	Leach	Tauzin
Deal	Lewis (CA)	Taylor (MS)
DeLay	Lewis (KY)	Thomas
Diaz-Balart	Lightfoot	Thornberry
Dickey	Linder	Thornton
Doolittle	Livingston	Tiahrt
Dreier	LoBiondo	Torkildsen
Duncan	Lucas	Trafilant
Dunn	Manzullo	Upton
Ehlers	Martinez	Volkmer
Ehrlich	Martini	Vucanovich
Emerson	McCollum	Waldholtz
English	McCrery	Walker
Everett	McDade	Walsh
Ewing	McHugh	Wamp
Fawell	McInnis	Watts (OK)
Fields (LA)	McIntosh	Weldon (FL)
Fields (TX)	McKeon	Weldon (PA)
Flanagan	Metcalfe	Weller
Foley	Mica	White
Forbes	Miller (CA)	Whitfield
Fowler	Miller (FL)	Wicker
Fox	Molinar	Williams
Franks (CT)	Montgomery	Wilson
Franks (NJ)	Moorhead	Wolf
Frelinghuysen	Moran	Young (AK)
Frisa	Morella	Young (FL)
Funderburk	Murtha	Zeliff
Galgely	Myers	Zimmer

NAYS—148

Abercrombie	Baldacci	Beilenson
Ackerman	Barrett (WI)	Bentsen
Andrews	Becerra	Bishop

Bonior	Harman	Payne (NJ)
Borski	Hastings (FL)	Payne (VA)
Boucher	Hefner	Pelosi
Brown (CA)	Hilliard	Pomeroy
Brown (FL)	Hinchey	Poshard
Brown (OH)	Hoyer	Rahall
Bryant (TX)	Jackson-Lee	Rangel
Cardin	Johnson (SD)	Reed
Clayton	Johnson, E. B.	Richardson
Clement	Kaptur	Roemer
Coleman	Kennedy (MA)	Rose
Collins (IL)	Kennedy (RI)	Roybal-Allard
Costello	Kennelly	Rush
Coyne	Kildee	Sabo
Danner	Klecza	Sanders
de la Garza	Lantos	Sawyer
DeFazio	Levin	Schroeder
DeLauro	Lewis (GA)	Schumer
Dellums	Lincoln	Scott
Deutsch	Lipinski	Serrano
Dicks	Lofgren	Skaggs
Dingell	Lowey	Slaughter
Dixon	Luther	Spratt
Doggett	Maloney	Stark
Dooley	Manton	Stockman
Doyle	Markey	Stokes
Durbin	Mascara	Studds
Edwards	Matsui	Tejeda
Engel	McCarthy	Thompson
Ensign	McDermott	Thurman
Eshoo	McHale	Torres
Evans	Meek	Torricelli
Farr	Menendez	Towns
Fattah	Mfume	Tucker
Fazio	Mineta	Velazquez
Flake	Minge	Vento
Foglietta	Mink	Visclosky
Ford	Mollohan	Ward
Frank (MA)	Nadler	Waters
Frost	Neal	Watt (NC)
Furse	Oberstar	Waxman
Gejdenson	Obey	Wise
Gephardt	Olver	Woolsey
Gibbons	Ortiz	Wyden
Gonzalez	Owens	Wynn
Green	Pallone	
Hamilton	Pastor	

NOT VOTING—28

Bateman	Istook	Pickett
Berman	Johnston	Quillen
Brewster	LaFalce	Quinn
Calvert	Largent	Reynolds
Clyburn	Longley	Skelton
Collins (MI)	McKinney	Tanner
Creameans	McNulty	Taylor (NC)
Dornan	Meehan	Yates
Filner	Meyers	
Hall (OH)	Moakley	

□ 1501

Mrs. KENNELLY, Mr. WATT of North Carolina, Ms. FURSE, Mr. SCHUMER, and Mrs. LOWEY changed their vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

#### LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)